

THE OFFICE OF THE SECRETARY OF STATE  
STATE OF GEORGIA

IN THE MATTER OF:  
STATE ELECTION BOARD MEETING  
AND PUBLIC MEETING

SAVANNAH MARRIOTT RIVERFRONT  
BALLROOM A/B  
100 GENERAL McINTOSH DRIVE  
SAVANNAH, GEORGIA 31401

TUESDAY, MAY 24, 2011  
10:00 A.M.

PRESIDING OFFICER:      BRIAN P. KEMP  
SECRETARY OF STATE

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APPEARANCE OF THE PANEL

SECRETARY BRIAN P. KEMP  
RALPH F. SIMPSON  
DAVID J. WORLEY  
TEX McIVER

CHRIS HARVEY  
ANN BRUMBAUGH  
ANN HICKS  
TIM FLEMING  
JESSICA MONK  
ANH LE

SECRETARY KEMP: I'm going to call the State Election Board Meeting to order. This is the May 24, 2011, meeting. Mr. Tex McIver will now lead us in the invocation, followed by the Pledge of Allegiance.

MR. McIVER: Please bow your heads for prayer.

(INVOCATION)

(PLEDGE OF ALLEGIANCE)

SECRETARY KEMP: Thank you Mr. McIver. Let the record show that Mr. McIver is here and Mr. Kemp and Mr. Simpson are in attendance. I know that Mr. Worley is on his way and will be here and will be here shortly. So we do have a quorum. Unfortunately, we are without another member of our board, who had a prior business commitment today and couldn't be with us.

I wanted to take just a minute to introduce to you all Rusty Simpson. He is our newest member of the board. He will somehow try to replace the great Mamie Evans (phonetic). I don't know if that's possible. But I've known Rusty a long time and he's a really good guy. He's a Superior Court Judge. He has his own legal practice in Tifton, Georgia. He is the appointee of the Republican Party. I hope you will all help me in welcoming Rusty Simpson to the board.

(APPLAUSE)

SECRETARY KEMP: Also, I want to just take a minute. We've got an unusually large crowd for the State Election Board. And those of you that may not be involved with the Elections Association folks that are here today, you may be wondering why the crowd is so big.

The Secretary of State's office has been fortunate this week to have been invited by the Georgia Elections Association -- Officials Association to come down and work with a lot of our local elections folks and board members from all across the state, and all the counties, on training, to make sure that we continue to have secure, successful, fair elections in Georgia.

Part of the training is for this group to attend part of the State Elections Board meeting today so they understand just how seriously we take Georgia election law, State Election Board rules.

That's one of the reasons -- there's two reasons that we're here. We wanted to be able to let them participate so they would learn more about State Elections Board, for those of them that have not been to a meeting before or may not understand exactly everything that we do.

But we have also, over the last year, have had two meetings around other parts of the state. Obviously, we have most of our meetings in Atlanta.

But our last meeting we had in Macon. We're doing this one here in Savannah today, because we want the citizens of this state and the elections officials and others in this area, elected officials, to

let them know how important secure elections are and how seriously we take this.

I wanted to welcome all of you today, in that regard. I know Mr. McIver wanted to mention something as well.

MR. McIVER: By means of a show of hands, how many of you were associated with GEOA and elections when we were in training for photo IDs. Can I just see the --

(SHOW OF HANDS)

MR. McIVER: The GEOA will always have a super special place in my heart. As you may know, when the legislature passed photo ID'ing and the governor signed, and I was called upon by both those groups to be the implementing person on photo ID. And we went through a very long and arduous year of getting the contracts out and so on.

And they all came together right here, in this room, at a GEOA meeting. I don't know if any of you remember that. I see your heads moving up and down. And that was our first training and the work, as many of you may know, we had four lawsuits. I spent more time on the witness stand than I ever spent as a lawyer, I think. We won all those cases and I am so proud to say we have never had a single complaint about photo ID and the election process.

(APPLAUSE)

MR. McIVER: Just to close, GEOA is the group that brought that all together. We had a lot of hard work and, of course, a lot of effort by the legislature and the governor. We spent a lot of money making all that happen. But it put, I think, Georgia in the forefront of all these areas. A number of states have copied us since that time. They've copied our statute and so on.

But you folks made it happen and so be proud of you and proud to be here today. I thank you very much.

SECRETARY KEMP: Mr. Simpson? Welcome again.

MR. SIMPSON: I would just like to thank all of you for your hard work. I know the number of hours and the effort that goes into preparing for elections. Most of us go to vote and don't even think about what's in the background or what has taken place in order to make sure that we can vote and vote fairly and vote in accordance with the law.

I wanted to thank you all -- each one of you all for the effort that you put into that, and also all of the volunteers that help us carry out the elections process in this state. Thank you once again.

(APPLAUSE)

SECRETARY KEMP: Thank you, Mr. Simpson. Mr. Worley has arrived. We've already introduced him. We have a lot of the Georgia Elections Officials Association folks here that

we've been training with this weekend. Feel free to make a comment if you like.

MR. WORLEY: My only comment is that I appreciate very much your attention to the work of the State Election Board. And we, as members of the State Election Board, know exactly how hard all of you work. I know how tough your jobs can be. I know the Secretary of State is ready, at any time, to assist you with that. So are we, as members of the State Election Board. Thank you.

(APPLAUSE)

SECRETARY KEMP: We're going to now move into our public comment period. I've got some folks that wanted to speak. Let me just remind you that you will have two minutes to speak. Jessica will be right here keeping the time on you to keep things moving. We will be pretty strict about this time limit, so when she lets you know your time is up, we'll give you about five seconds to wrap it up and then we'll cut you off.

I know there are some folks that may have signed up that may want to be speaking on a specific case. I know we've got two Chatham County Commissioners here today that I do want to speak during the time period. But when the other case comes up later today, we're going to be hearing from the folks that we've subpoenaed, unless the board sees differently.

I know that they will address in the public comment period. But if there's other folks that have signed up, let me just remind you, if you are here about a case you will be able to speak to that case and during that period you will have five minutes.

The public comment period is for folks that may not be here for a specific case, but just want to address the Board. So, at this time, I would like to start the public comment period. Judson Allen, were you here to speak to the public comment or did you wish to talk during the case?

MR. ALLEN: Yes, sir.

SECRETARY KEMP: Let me just ask a question. Are you here to speak to the case of the City of Montezuma or do you wish to address us in the public comment period?

MR. ALLEN: The City of Montezuma.

SECRETARY KEMP: Okay. We'll call that case later in the morning. Thank you. Patsy Cannon, also City of Montezuma. Did you wish to speak to the case?

MS. CANNON: Yes, sir.

SECRETARY KEMP: Okay. We'll call you later. Thank you. Diane Cannon, if you will, if you want to address us in the public comment period, you need to come forward to the microphone. Ms. Cannon?

(NO RESPONSE)

SECRETARY KEMP: Commissioner Stone. Welcome. I'll just remind you, Commissioner, if you don't mind, give us your name and address, for the record.

COMMISSIONER HELEN STONE: Thank you. Mr. Secretary of State and members of the Board, my name is Helen Lynah Stone. I'm a County Commissioner here in Chatham County. I am addressing the case that will be heard later today on a couple of other victims of fraud that occurred in this case.

This is the fourth time I've given testimony. So I'm going to be very brief, but something did occur to me in looking through all the pages involving these petitions. And that is, again, these are signed affidavits. These men and women said they knocked on doors, obtained signatures. Whether we can prove whether that person, it's their signature or not, certainly you would think there would be enough evidence, based on the fact that these people said it's not their signature.

But there is the addresses of the houses that they said they knocked on. And all of the folks that I talked to, in the two hours that I've verified forgeries, said no one knocked on their door. They got the addresses. They signed the back of these. They swore that these were true.

So I hope that you will take this case as seriously as Commissioner Gallently and I have, to represent the citizens of this community whose names were forged and their identity was taken during these forgeries. I thank you very much and I think you need to hear from the rest of the victims.

SECRETARY KEMP: Thank you, Commissioner Stone. I'm glad to have you back at our meeting.

COMMISSIONER HELEN STONE: Thank you.

SECRETARY KEMP: Commissioner David Gallently. Welcome back, Commissioner.

COMMISSIONER DAVID GALLANTLY: Thank you, Mr. Secretary. Again, my name is Dave Gallently. I'm the County Commissioner of the sixth district here in Chatham County. Prior to that, I was a police officer for 40 years, 20 years as chief of police for the City of Savannah.

This is the fourth time, the fourth time in almost three years, I have appeared before this committee. Different faces, but the fourth time. This will be the second or third time this case, if it does, goes to the Attorney General of the State of Georgia, covering both Democrats and Republicans.

And this will be -- if it's referred by the District Attorney again, this will be the second time it goes to his office, This has got to be one of the most serious -- the most serious voter fraud cases in the State of Georgia's history.

It's well-documented and, in my opinion, and I have stated this before, before the Board, that a one-year detective and a one-year prosecutor, this would be a slam-dunk case. There's just absolutely no reason that this case has not gone to justice.

And I really, really hope this time that we can have some action. And, Mr. Secretary, I do appreciate the fact that you ran on voter fraud and correcting that in the State of Georgia.

But thus far, this has not been corrected. I'm not happy and I guarantee you my constituents aren't happy. And I can guarantee you that Commissioner Stone's constituents aren't happy.

We've got a lot of talking, but we've had very little action. These people that had their identities stolen from them, with fraudulent affidavits and signature statements, each one of them represented a felony. Something absolutely has to be done about this. We need some justice.

And, like I said, this is one of the most serious cases, in my opinion, that we've ever had in the State of Georgia. I'm from the Chicago area, before I came here, and you know we have a lot of voter fraud there. The difference is, is this would have gone to trial and some of them would have paid the penalty by now. And it would not be just dragging on and on and on.

It also concerns me that Commissioner Stone and I were the ones that brought this to light. We did the preliminary investigations, talked to the people personally and yet, we're not allowed to be part of the hearing.

I really don't understand that. I feel like we're having the bums rush at the beginning of the program. It is not proper. I am not happy about it. Thank you and I hope you do take this case seriously.

SECRETARY KEMP: Thank you, Commissioner. Chairman Liakakis. It's good to have you with us this morning. Glad to be in your fine community. I know you wanted to address the Board, so welcome.

CHAIRMAN LIAKAKIS: Good morning. I'm glad to be here as Chairman of the Chatham County Commission. I'm familiar with this particular case because I talked to a few people that had their names -- that were forged on these particular documents.

One of them was Major Welcher of the Chatham County Sheriff's Department, and a couple of others. And on that list too, you can see there's one or two people who have passed away and their names were forged on these particular records too. Their families were upset because of that.

This has been going on for a period of time. And we appreciate that some action is taken, as was mentioned before. It's not fair to the voters of this area or the voters around the State of Georgia for a situation like this to occur. And for this long period of time no action was taken, because as I know, what your commission is doing and everybody at the state and all, I want to make sure that

we had -- you know, we have the proper and honest type of elections in our State of Georgia.

And this is a black mark in our area for our voters here and around the State of Georgia. And I think it's incumbent upon the -- whoever on the state government to see that something is processed over this and there is a trial held on this particular matter. Thank you very much.

SECRETARY KEMP: Thank you, Mr. Chairman. Major John Welcher.

MAJOR WELCHER: I'll reserve mine for the hearing, sir.

SECRETARY KEMP: Okay. Hold on a second. Thank you, sir. Jeff Rayno. Mr. Rayno, welcome back.

MR. RAYNO: Thank you. I'm here on behalf of Ricardo Davis of the Georgia State Constitution Party. I'm going to read, for the record, HB494, and our resolution of the endorsement that was passed on May 7th, 2011.

Whereas, Georgia has consistently been ranked as having the worst ballot access laws in the country;

Whereas, the petitioning requirements for certain Georgia races are 10 times more restrictive than the national average of all other states combined;

Whereas, the current ballot access laws were established in 1943 to keep certain groups of candidates off of the ballot;

Whereas, few, if any, local or district candidates have ever met the petitioning requirements to obtain ballot access in a partisan general election since said requirements became law in 1943;

Whereas, many citizens of Georgia have become reluctant to sign candidate petitions for fear of identity theft;

Whereas, at least one Georgia citizen has been arrested for collecting petitioning signatures;

Whereas, a Georgia citizen was referred for a felony petition forgery investigation by the State Election Board although the Inspector General for the Secretary of State was unable to produce any evidence of a forgery upon demand by the citizen at his particular hearing;

Whereas, the legislature of the state of Florida has successfully removed the petitioning requirements in their state during 1999;

Whereas, H.B. 494 has been introduced in the Georgia General Assembly to remove petitioning requirements for all candidates and now resides in the House Governmental Affairs Committee;



Be it resolved, that the membership of the Constitution Party of Georgia endorses H.B. 494 wholeheartedly in its entirety as it is currently written and without amendment;

Be it resolved, that the membership of the Constitution Party of Georgia calls on the Election Advisory Council to recommend to the Secretary of State the passage of H.B. 494;

Be it resolved, that the membership of the Constitution Party of Georgia calls on the Secretary of State to endorse H.B. 494 and do all within his power to facilitate the passage of H.B. 494 during the next session of the Georgia General Assembly;

Be it resolved, that the membership of the Constitution Party of Georgia calls upon the chairman -- can I just leave this with you as part of the record?

SECRETARY KEMP: Do we have a motion to accept that?

MR. WORLEY: Yeah, I move that we accept it.

MR. McIVER: Second.

SECRETARY KEMP: I have a motion to accept and a second. All in favor signify by saying aye.

BOARD MEMBERS: Aye.

SECRETARY KEMP: All opposed, same sign.

(NO RESPONSE)

SECRETARY KEMP: Motion carries and a copy is accepted in. Thank you for being here today.

MR. RAYNO: Thank you, sir.

SECRETARY KEMP: I'm sure you are aware of our Elections Advisory Council meeting tomorrow afternoon at 1:00.

MR. RAYNO: You can share that with them. I have to work.

SECRETARY KEMP: We'll be glad to do that.

MR. RAYNO: Thank you.

SECRETARY KEMP: Also, I would remind citizens about our Elections Advisory Council meeting tomorrow at one here. It's another public hearing as we go through and look at the Georgia State Election Code and the issues that are facing us.

And, on the Secretary of State's website, you can also submit documents there, if anybody would like to give us something that they deem to be appropriate. Thank you for those comments. I now call Charles Milmine (phonetic). I also have a statement by Mr. Milmine that he wanted to give to the Board. I need a motion to accept.

MR. McIVER: So moved.

SECRETARY KEMP: I have a motion to accept.

MR. WORLEY: Second.

SECRETARY KEMP: I have a motion to accept and a second. All in favor of accepting the document, please signify by saying aye.

BOARD MEMBERS: Aye.

SECRETARY KEMP: All opposed, same sign.

(NO RESPONSE)

SECRETARY KEMP: Motion carries. If you would, state your name and address, for the record.

CHARLES MILMINE: My name is Charles Milmine. I am a resident of the unincorporated Chatham County. Good morning and thank you for coming down here. It's a good way to encourage citizen participation. I have delivered you six copies, which are -- I would like to address what seems to be related to your item six on special hearing that you are doing this afternoon.

I am one of those whose signature was forged. I petitioned to the Chatham County Board of Elections back in 2008. I recognize that forgery is a felony. I am interested in seeing those responsible brought to justice.

By the way, that is my signature at the bottom of the statement that you have. I deliver this statement now, because I cannot be here in the afternoon to give testimony this afternoon. I know that some are going to give testimony -- testimony at the special hearing, but I am hopeful that my statement might be included in deliberations and a record of the special hearing on this case. Thanks again for allowing me to address this matter.

SECRETARY KEMP: Thank you, sir. Thank you for taking the time to be here this morning. Do we have anyone else that is signed up for the public comment period?

MS. CONNER: I signed up.

SECRETARY KEMP: What was your name, ma'am?

MS. CONNER: Diane Conner.

SECRETARY KEMP: Yes, ma'am. I called you earlier and didn't see you, but, please come forward. We're glad to have you. Ms. Conner, if you would, just give us your name and address for the record.

MS. CONNER: I am Diane Conner. I am a resident of Chatham County. My name was one of the names that was forgetd on that ballot. That was not so bad, as it was that my husband's name was also on there and he has been deceased since 2007. So do you explain that? That's all I have to say.

SECRETARY KEMP: Thank you so much for taking the time to be here this morning. We appreciate your comments. Anyone else I have missed on the public comment period?

(NO RESPONSE)

SECRETARY KEMP: Okay. Hearing none, we will move on to the approval of the minutes. Let's see. We need approval of the minutes from several meetings. The first one was the January 5th, board meeting, 2011.

MR. WORLEY: I would make a motion to approve the minutes of that meeting.

SECRETARY KEMP: I have a motion by Mr. Worley. Do I have a second?

MR. McIVER: Second.

SECRETARY KEMP: A second by Mr. McIver. All in favor of approving the minutes of the recent January 5th, 2011, meeting, please signify by saying aye.

BOARD MEMBERS: Aye.

SECRETARY KEMP: All opposed, same sign.

(NO RESPONSE)

SECRETARY KEMP: The motion carries and the minutes are approved. Also we need to approve the minutes from the special called State Election Board teleconference meeting on Wednesday, February the 2nd, 2011.

MR. WORLEY: I make a motion to approve those minutes.

MR. McIVER: Second.

SECRETARY KEMP: I have a motion by Mr. Worley, a second by Mr. McIver. All in favor signify by saying aye.

BOARD MEMBERS: Aye.

SECRETARY KEMP: All opposed, same sign.

(NO RESPONSE)

SECRETARY KEMP: Motion carries. I also need a motion to approve the minutes from the State Election Board meeting on Thursday, February the 24th, 2011.

MR. McIVER: Move that we approve.

SECRETARY KEMP: I've got a motion. Do I have a second, Mr. Simpson?

MR. SIMPSON: Second.

SECRETARY KEMP: I have a motion and a second. All those in favor of approving the minutes from the February 24th meeting, please signify by saying aye.

BOARD MEMBERS: Aye.

SECRETARY KEMP: All opposed, same sign?

MR. WORLEY: Mr. Secretary, I abstain since I wasn't at that meeting.

SECRETARY KEMP: Let the record show that the motion passed with a unanimous vote from the three of us. Mr. Worley abstained because he did not attend that meeting. The motion carries and the minutes are approved.

And the last one is the special called State Election Board tele-conference meeting on Tuesday, May the 10th. I need a motion to approve those minutes.

MR. WORLEY: I make a motion to approve.

MR. McIVER: Second.

SECRETARY KEMP: I have a motion to approve and we have a second. All in favor, signify by saying aye.

BOARD MEMBERS: Aye.

SECRETARY KEMP: All opposed, same sign.

(NO RESPONSE)

SECRETARY KEMP: Motion carries and the minutes are approved. All right. Mr. Harvey, let me just make sure of one clarification here. I just want to, again, thank everyone for being here today. I want to make sure that you understand that the next part of the meeting that we move to essentially serves as a probable cause inquiry. The Board will only decide, at this point, whether there is enough evidence to refer a particular case on to the Office of the Attorney General, to afford the parties an opportunity for a hearing on the matter.

The inspector general will have up to 15 minutes to present the case to the Board. The respondents will then have five minutes to present any argument or evidence to the Board, specific to the case that is before the Board today.

Please be aware that, although you may be present, any argument or evidence that you wish during the allotted time, this is not the time for respondent to argue their respective cases. Respondents will be provided ample opportunity to present their side of the story at the hearing.

Each respondent who wishes for one can file a referral of the case to the AG's office. In other words, we're going to hear from everyone today. If you would please try to adhere to your time limits and the Board will also have an opportunity to ask you questions as they see fit.

With that, Mr. Harvey, we'll get started. We do have one case on our consent calendar. It's SEB case number 2010 number 97, Tattnall County.

What we do with our consent calendar, to try to move things along in the cases that we have non-controversial rulings on, they're very simple matters, we normally vote in a block on those cases and don't go through the explanation.

If there is a citizen or board member or anybody else at this meeting today that does have questions about this case, they can speak up and let us know. We will have presentation of the information that Mr. Harvey has. At the end of the case, we'll hear from everyone involved.

But if there is no one here that wants to do that and no Board member wants to do that, then we normally just vote this case, on the recommendation of Mr. Harvey and we'll move forward.

That being said, we only have one case. So if there is anyone who wishes to speak to case number 2010, number 97, Tattnall County.

(NO RESPONSE)

SECRETARY KEMP: Hearing none, Mr. Harvey, anything you want to add?

MR. HARVEY: I just want to clarify, Mr. Secretary, this is a consent order involving Raymond

Bradley. He is the major with the Tattnall County Sheriff's Office. This case was presented at the last meeting. He signed -- he presented a signed consent agreement. He accepted a public reprimand, cease and desist order, and 45 hours service of community service in voter education.

He has supplied affidavits and corroboration that he has met his requirement and it is recommended that the Board accept his consent order and close this case.

SECRETARY KEMP: Any questions for Mr. Harvey?

(NO RESPONSE)

SECRETARY KEMP: Hearing none, is there anyone else wishing to speak on this case?

(NO RESPONSE)

SECRETARY KEMP: Hearing none, I'm ready for a motion.

MR. McIVER: I move we approve.

SECRETARY KEMP: I've got a motion to approve. Do we have a second?

MR. WORLEY: Second.

SECRETARY KEMP: We've got a motion and a second. Any other discussion by the Board.

(NO RESPONSE)

SECRETARY KEMP: Hearing none, all in favor of the motion please signify by saying aye.

BOARD MEMBERS: Aye.

SECRETARY KEMP: All opposed, same sign.

(NO RESPONSE)

SECRETARY KEMP: The motion carries. Okay. Case number 66, Appling County.

MR. HARVEY: Members of the Board, this case involved the nomination petition in 2008. This case was originally presented to the State Election Board earlier. It was referred to our office by the District Attorney in Tattnall County, where they found irregularities with petitions, including forgeries. The District Attorney's Office conducted an investigation. They indicted one woman for forgery on the petitions. And, previously, this Board bound over a second person for improperly circulating a signed petition.

So that case was sent to the Attorney General's Office. In reviewing the file, Attorney General -- Assistant Attorney General Brumbaugh identified additional people that may have been committing election violations in terms of circulating petitions.

So we -- she returned the case to us to be reinvestigated. We found that, in fact, three additional people appear to have signed the circulating petitions that they did not actually circulate.

Those three people were Elton Flynn Carter, who was an independent candidate who was running for Sheriff; his sister and his brother. With sworn affidavits from people, we found out that Denise Lowery violated 21-2-170 (d)(2) by not witnessing the signatures that were provided of the petition, and then signing as circulating petitions that she did, in fact, not circulate.

Likewise Timothy Ryan Davis, who is the brother of Elton Carter, it was found that he did not witness the people signing his petition and he falsely swore that he was the circulator of the petition.

And lastly, Elton Flynn Carter, who is the candidate, on two petitions did not witness the signatures and signed as circulator. It is recommended that these three individuals be bound over to the Attorney General's Office for further action. In the cases -- in these cases, some of the people who were on the petition were interviewed and they said, for example, that they were presented a petition by somebody other than, for example, Mr. Carter.

They would say, I was presented the petition by -- by June Smith, not Elton Flynn Carter. And Mr. Carter signed as circulator, or Denise Lowery, same thing. She says, "I was presented this petition by somebody else," and Ms. Lowery's name is on it.

Ms. Lowery and Mr. Ryan -- I'm sorry, Mr. Timothy Ryan Davis, said that in the process of circulating these, sometimes they went out as a group and sometimes pass out petitions and they may have gotten confused when they came back, and there may have been some miscommunication along those lines.

But it's very clear that the people who gave sworn affidavits are saying, "I was given this petition and signed it under the guise of somebody else other than the person who signed it as circulator."

So it's recommended that these three individuals be bound over to the case that already exists with the Attorney General's Office.

SECRETARY KEMP: Thank you, Mr. Harvey. Any questions for Mr. Harvey from the board?

MR. McIVER: What is your recommendation with respect to the Lowery case. You've indicated there are violations.

MR. HARVEY: All three will be bound over to the Attorney General's Office. Carter, Davis, and Lowery.

MR. McIVER: There are two different -- okay.

SECRETARY KEMP: Any other questions?

(NO RESPONSE)

SECRETARY KEMP: Okay. Hearing none, is there anyone else who wishes to speak on this case? Any response from the complainants? Anyone else?

(NO RESPONSE)

SECRETARY KEMP: Okay. Hearing none, do we have a motion?

MR. McIVER: I move we bind it over to the AG.

MR. WORLEY: Second.

SECRETARY KEMP: I've got a motion and a second to bind the case over to the Attorney General's Office. Any other discussion?

(NO RESPONSE)

SECRETARY KEMP: Hearing none, all in favor of the motion signify by saying aye.

BOARD MEMBERS: Aye

SECRETARY KEMP: All opposed, same sign.

(NO RESPONSE)

SECRETARY KEMP: Motion carries. All right. Case number 123.

MR. HARVEY: The Board might remember, this case was presented originally at the last State Election Board meetings. There were three individuals who voted in Georgia and Florida, in the 2008 election. One of these respondents, Mr. Ronald Alvarado, requested a continuance. So Mr. Alvarado is the only one being presented to the Board today.

The Board bound over Mr. Davis and Mr. Heyward. The situation is the same. As far as Mr. Alvarado goes, he was registered to vote in Georgia throughout the '80s and 90s. And then in May of 2008, he voted by -- I'm sorry, he registered in Florida, in May of 2008. He then voted, by absentee ballot, in Georgia, in August of 2008. And then, in October of 2008, he went to Florida and voted in Florida, in the general election.

At no point did he re-register in Georgia, after voting in Florida or vice versa. I spoke with Mr.



Alvarado attorney. I don't know if he's going to be present or not.

He indicated that in 2004, Mr. Alvarado, I believe, Dr. Alvarado suffered a stroke and has some cognitive issues. So he may wish to speak to that. But other than that, the evidence appears clear that he voted in Georgia, in early voting. He also voted in Florida, in early voting, in the same election.

It is recommended that this case be bound over to the AG's Office with the others who are respondents in this case.

SECRETARY KEMP: Thank you, Mr. Harvey. One thing I want to say. Let me just remind everybody, because I failed to mention this, when we call the case, if you're here and you would like to speak on the case, if you will just come on up to the front, we've got several seats right down here. You can just sit up here while Mr. Harvey gives his report.

Then after we finish questioning Mr. Harvey, we'll call on anyone else who wishes to speak. That will help us move the cases along. So any questions for Mr. Harvey from the Board?

(NO RESPONSE)

SECRETARY KEMP: Okay. Hearing none, thank you. Anyone else wishing to speak.

MR. WITHERS: Yes, sir.

SECRETARY KEMP: If you would, just give us your name and address for the record.

MR. WITHERS: I am Tom Withers, an attorney here in Savannah. My address is 8 East Liberty Street. I have been representing Dr. Alvarado in this matter since Mr. Harvey first contacted Dr. Alvarado. It is my pleasure to be here today with one of Dr. Alvarado's sons, Paul, who is an attorney from Valdosta.

As Mr. Harvey indicated Dr. Alvarado is 73 years old. He retired from the practice of pediatrics about 2003, after a stroke. That stroke left Dr. Alvarado, after 25 years of pediatric practice, with paralysis in his left leg, paralysis in part of his face, and a declined mental status.

The result is that Dr. Alvarado had to get out of practice. He has three kids, two physicians and an attorney. Dr. Alvarado was educated in Michigan, did his internship and residency at the University of Michigan, and moved to Valdosta in 2000 -- excuse me, 1978.

He practiced there in the specialty of pediatrics from '78 to 2003. He, literally, as a pediatric specialist, assisted in bringing thousands of babies into the world and caring for thousands of children in the community as well.

After Dr. Alvarado resigned from the practice -- his son went into practice with him in 1995.

After he resigned from the practice in 2003, he started spending time between North Florida and Valdosta, ultimately moving permanently, in 2008, down to Florida.

I have supplied, by the way, a letter from Dr. Alvarado's medical provider, Dr. Stubbs, in Valdosta, that documents the stroke, the declining mental status, and then the paralysis. I would appreciate it that was handled in the appropriate discretionary manner with respect to the issues that are brought up.

But Dr. Alvarado had -- when he began moving down to Florida to permanently established his resident in Florida, in 2008, he ultimately ended up voting, by mistake, by absentee ballot in Georgia in the fall of 2008.

This is a case completely absent of intent. Dr. Alvarado, really in the twilight of his years, after having a distinguished career and having voted continuously in the State of Georgia from 1978 to 2008, just made a mistake when he transferred his residence.

He has voted in Florida since 2008 and will continue to do so. He would certainly agree that he would never vote in Georgia again. And we would ask that you consider those facts and the unusual circumstances of Dr. Alvarado's medical history and declining to move this matter forward. Thank you very much. I appreciate you listening.

SECRETARY KEMP: Thank you, Mr. Withers. Did you mention a document?

MR. WITHERS: Yes. I had provided to Mr. Harvey the letter from Dr. Stubbs, of Valdosta, who is the treating physician.

SECRETARY KEMP: Do we have that in our possession?

MR. HARVEY: I think I have it in the file. I can look.

MR. WITHERS: I've got a copy if you would like to see a copy.

SECRETARY KEMP: Have you got an extra copy?

MR. WITHERS: I can give you mind.

SECRETARY KEMP: We can get you a copy. Do we have a motion to accept the document?

MR. McIVER: So moved.

MR. WORLEY: Second.

SECRETARY KEMP: I've got a motion and a second. All in favor of accepting the document, signify by saying aye.

BOARD MEMBERS: Aye.

SECRETARY KEMP: All opposed, same sign.

(NO RESPONSE)

SECRETARY KEMP: The motion carriers. Mr. Simpson?

MR. SIMPSON: How did the doctor get the absentee ballot?

MR. WITHERS: I think he --

MR. SIMPSON: I mean, you would have to request it.

MR. WITHERS: I think he actually went to the office and requested it, to the -- whatever office, voter board there in Lowndes County, Valdosta.

MR. SIMPSON: You said he voted accidentally. He went up there and got the ballot?

MR. WITHERS: Pardon me?

MR. SIMPSON: He went and got the ballot, picked up the ballot, but you said he voted accidentally. Can you explain that?

MR. WITHERS: It's just a matter of, you know, he was a fellow who voted in Georgia his entire life. He was moving from Georgia to Florida. When he returned back -- he maintained his residence in Valdosta, because he has five grandchildren and three kids here, as well. It was just a mistake. It was a mistake, I think, that is attributable to the confusion of the move. His residence -- he is now permanently domiciled in North Florida. That would be his residence, but he keeps a home in Valdosta.

MR. SIMPSON: Six days later, he voted in Florida, in person.

MR. WITHERS: No, I think there's a matter of weeks in between.

MR. SIMPSON: The dates we have, he got the absentee -- voted the absentee ballot on October 17th, and he voted in person on October 23rd, in Florida.

(PAUSE)

MR. HARVEY: August 29th, 2008 is when he voted in Lowndes County. And then, October 20th, is what he voted in Florida.

MR. SIMPSON: Thank you.

SECRETARY KEMP: Any other questions?

(NO RESPONSE)

SECRETARY KEMP: Anyone else wishing to speak on this matter?

(NO RESPONSE)

SECRETARY KEMP: I would just remind everyone -- I'm getting information that they're having trouble hearing us in the back a little bit. So if the Board members would just speak a little closer to the microphone. And if you're addressing us at the podium, if you will do the same, we would appreciate it. Anyone else wishing to speak on this matter?

(NO RESPONSE)

SECRETARY KEMP: Hearing none, I will accept a motion.

MR. McIVER: I move to bind it over with guidance to the legal department that perhaps this would be an excellent case for a consent order.

SECRETARY KEMP: We've got a motion to refer to the Attorney General's Office and let Ms. Brumbaugh work it out. Do we have a second?

MR. SIMPSON: Second.

SECRETARY KEMP: We've got a motion and a second. Any other discussion?

(NO RESPONSE)

SECRETARY KEMP: Hearing none, all in favor of referring signify by saying aye.

BOARD MEMBERS: Aye.

SECRETARY KEMP: All opposed, same sign.

(NO RESPONSE)

SECRETARY KEMP: Motions carries. Thank you. Can we get a copy of this and give this back to Mr. Withers? Mr. Harvey, case number 2009 number 32, City of Cuthbert.

MR. HARVEY: Yes, sir. The allegation in this case was that while individuals were conducting a petition drive, a police officer from the City of Cuthbert, James Mock, who was on the Board of Education, was intimidating people signing the petition -- circulating the petitions. The

investigation revealed that on the dates that the circulation of the petitions happened, Officer Mock, who was a City of Cuthbert police officer, was performing his normal duties patrolling the city, which is not a large city. He did cross paths with the circulators on some occasions. He never made any direct contact with them. He never spoke with them. He never made any gestures towards them. He saw them. He was performing his normal duties. It does not appear, in any evidence, that Officer Mock took any action to intimidate people, other than the mere presence of patrolling the City of Cuthbert, as was his duty. It is recommended that this case be closed and there does not appear to be any violation or any attempt at intimidation by Officer Mock.

SECRETARY KEMP: Thank you, Mr. Harvey. Any questions for Mr. Harvey?

(NO RESPONSE)

SECRETARY KEMP: Hearing none, anyone else wishing to speak on this matter?

MR. COLEMAN: Mr. Secretary and distinguished members of the Board, my name is Tommy Coleman. I represent Mr. Mock, the Chairman of the Board of Education. I also, as fate would have it, represent the City of Cuthbert where Mr. Mock is employed as a police officer. As you probably can tell from past presentation before this board, the politics in Randolph County is chaotic, at best.

SECRETARY KEMP: Mr. Coleman, let me stop you right there. It's not about politics in Randolph County. If you could just raise the microphone a little bit.

MR. COLEMAN: Sure.

SECRETARY KEMP: You don't have to raise it. You can just tilt it up. Speak into it and just give us your address, for the record.

MR. COLEMAN: Sure. It's 212 Northwest Stone Boulevard. We concur completely with the presentation of Mr. Harvey. Mr. Mock is a patrolman in a community of 3700 people. I suspect he passes almost everybody in town, at some point during the day. It just so happens that in this particular area of the city, there are the only two bars in town and the only pool hall. I suspect that those of you who know anything about local government know that there are a lot of troubles around the pool hall and the bars in a small town.

Mr. Mock, as the evidence shows, had no contact, at all, with any of the complainants. Mr. Mock was interviewed, in my presence, by the investigators. Mr. Mock signed the affidavit and was sworn. We would respectfully ask that this matter be brought to a close.

SECRETARY KEMP: Thank you. Are there any questions for Mr. Coleman.

MR. McIVER: Yes. I do.

SECRETARY KEMP: Mr. McIver.

MR. McIVER: Thank you for coming back.

MR. COLEMAN: In the famous words of Arnold Schwarzenegger, I shall return. I'll be back. That was MacArthur, wasn't it.

(LAUGHTER)

MR. McIVER: Did you encounter any type of conflict between the city and Mr. Mock's interests, since you were required to represent both people.

MR. COLEMAN: Well, sir, I did, in fact, check with both parties. I sent a request to the parties. It was clear that he was working in his capacity as a police officer, yet he would not have had -- he would not have been here, I'm sure, had he not been also Chairman of the Board of Education. And I can see how one would question how those interests might converge. However, it's clear that the facts of the matter after looking at it, didn't occur in the way that the complainants said. I didn't feel like it was a conflict at all.

SECRETARY KEMP: Any other questions?

(NO RESPONSE)

SECRETARY KEMP: Thank you for being here, Mr. Coleman. Does anyone have any questions or anyone else wishing to speak on this case? Anyone else?

(NO RESPONSE)

SECRETARY KEMP: Hearing none, I will take a motion.

MR. McIVER: I move to close.

MR. WORLEY: Second.

SECRETARY KEMP: I've got a motion to close and a second. Any other discussion?

(NO RESPONSE)

SECRETARY KEMP: Hearing none, all in favor signify by saying aye.

BOARD MEMBERS: Aye.

SECRETARY KEMP: All opposed, same sign.

(NO RESPONSE)

SECRETARY KEMP: The case is closed. Next we've got 2009, number 47, the City of Montezuma. Mr. Harvey?

MR. HARVEY: Mr. Chairman, members of the Board, this allegation, this complaint has essentially seven different allegations. We investigated each specific allegation. I'll go through them very briefly and give you the results.

The first allegation was that the mayor was threatening business owners because they were supporting candidates for city council other than the mayors was supporting. We interviewed the business owners that were identified as being intimidated. They denied any type of intimidation. They said they did have political discussions with the mayor, but there was no intimidation. There didn't appear to be any violation there.

The second was that the electors were turned away from the polls due to a power outage and that people were not able to vote provisional ballot. We investigated that and found out that there was a brief power outage in one of the precincts. However, the batteries on the EOAs remained on and there were no people that were present during the power outage. So that appears to be unsubstantiated, as well, from our investigation.

The third allegation was that a local radio station had reported one candidate was the winner the night of the election and when all the absentee ballots had been counted, the following morning it was determined that that person was, in fact, not the winner. They had lost by six votes. There was no there's no allegation -- there is no violation of the election code in terms of the radio station announcing the incorrect winner.

The fourth allegation was that the mayor was disseminating sample ballots to people that were pre-marked. We were -- again, we want to emphasize those were sample ballots. The investigation wasn't able to determine and identify people who had these, however, had he been disseminating campaign literature that indicated who he wanted people to vote for outside of the polling place, it wouldn't appear to be a violation of Title 21, in doing that as the campaign.

SECRETARY KEMP: Mr. Harvey, let me just stop you right there. That's a good point I think you should make, again, just for education purposes for the Board and the audience.

MR. HARVEY: Again, whenever we talk about ballots being distributed by people, the first thing -- one of the first things that comes to people's minds is absentee ballots. There was no allegation that the absentee ballots were being distributed. These were, in fact, alleged campaign items where he would pass them out and say, you know, "These -- in my opinion these would make the best candidates for city council."

As long as he stays outside of 150 feet of the polling place or doesn't violate other laws, there

doesn't appear to be anything wrong with that, if that, in fact, happened. At the same time, we couldn't identify anybody that had received a sample ballot. There may have been some distributed. But, again, if he had distributed it, it does not appear that that would be a violation of the election code.

The fifth allegation, the election superintendent, Ms. Hammond, had accused a candidate, Mr. Lewis, of wrongdoing. There were some e-mails back and forth. There was some argument back and forth. Again, there was nothing that rose to the level of election violation. There were allegations of non-compliance with Open Records request, Open Meeting Act, things like that, but nothing that this Board would have jurisdiction over.

The sixth allegation is that an individual, Mr. Riley, was refused a provisional ballot at the polls because he produced a Georgia driver's license that had been broken in half. It was in two pieces. We interviewed all the poll workers, including a poll watcher for the candidate that Mr. Riley was -- Mr. Riley was married to a candidate. She had a poll watcher at the precinct. The poll worker didn't witness anything about him being denied a provisional ballot. He, in fact, appeared at the precinct, summarily left, got a new driver's license, returned to the precinct, and was able to vote that same day. So he was not turned away. He was able to vote and his vote counted. So, again, all the poll workers said there is not evidence and there is no testimony that he showed up with a broken ID and was turned away.

The last allegation was that there was manipulation of absentee ballots, specifically that a candidate was illegally assisting and collecting absentee ballots. We interviewed all the people and examined the absentee ballots for the people involved. The candidate, Charles Glover, assisted with the distribution of absentee ballot applications. And that's a key distinction. The applications versus the ballots. He did distribute absentee ballot applications. He did not handle any absentee ballots. He did not assist people with absentee ballots. So that appears to be unsubstantiated.

In doing the investigation and looking at some of those absentee ballots, we did find a case where a woman, Ms. Jacqueline Frederick, assisted her aunt and her mother with their absentee ballot. She signed as assisting. She failed to mark the reason for the assistance. In both cases, the women were elderly and had some disability issues. So as a very technical issue, she did not complete the total form, the assistance. However, I believe it would be appropriate to recommend a letter of instruction to Ms. Frederick reminding her to complete the entirety the absentee ballot when she assists an eligible voter. But other than that, the allegations were extensive. They were investigated very thoroughly. Everybody was spoken to. And there was simply very little foundation.

In the meantime, I've spoken with some of the complainants in the case and they have raised issues of what they believe are improprieties in the budgets and spending and the management of the city, which I've explained to them is not necessarily the purview of this Board, how officials behave once they get elected.



So it's recommended ultimately that Ms. Jacqueline Frederick receive a letter of instruction reminding her how to completely sign as assisting on absentee ballot and that the rest of the matter be closed.

SECRETARY KEMP: Very good. Any questions for Mr. Harvey?

UNIDENTIFIED SPEAKER: I have one.

SECRETARY KEMP: Sir, sir, sir. This is any questions from the Board. We will call on you in just a minute. Okay. Any other questions for Mr. Harvey, from the board?

(NO RESPONSE)

SECRETARY KEMP: Okay. Hearing none, anyone else wishing to speak on this matter? If you would, just give us your name and address for the record, please. If you don't mind, just pull that mike towards you. Thank you.

MS. RILEY: Tarsha Phillip Riley, Montezuma, Georgia. I was a candidate in the 2009 election. I would like to address the Board today. You do not have to live in Montezuma, Georgia, to believe the allegations against Mayor Willie James Larry. It's the most persistent issue and concern of the citizens and the public -- that the public trust and the code of ethics were violated.

He has adamantly denied all accusations that he has made any racial comments, slurs or had any involvement with any wrongdoing in the city council election of 2009. It doesn't take a crime to come to believe he is now ineffective and not respected after the 2009 election.

The fact remains that Larry disputes, with strong conviction, that he did not have any special interest in the 2009 election, contrary to the belief and findings, the fact was, he was witnessed, on several occasions, in the downtown Montezuma business district, trying to prepare all citizens of Montezuma not to vote for the two whites and me, the Uncle Tom.

The mayor trolled the streets, making his way to local business, shouting racial slurs against Councilman Lewis and all of those who supported our efforts in the 2009 election. He was there to have been seen on the morning after the election congratulating and thanking the citizens for keeping me, the weakest link, out of City Hall.

The mayor has a cloud over his head and is burdened with distractions that is affecting the current administration and that could possibly affect the upcoming election of 2011. There's plenty in American politics today to make citizens jaded about current conditions. But when a 60-plus year old mayor sets his political sights on the poor citizens, the Puerto Rican kids, and elderly senior citizens, that pushes cynicism and the code of conduct for elected officials to the lowest level.

The action, reckless conduct and behavior Mayor Willie James Larry put the City of Montezuma in a compromised position. Yet despite his recklessness, the omissions of office, and the abuse of

power, some city, county, and state officials have shown little to no interest into actions that this mayor caused in 2009.

Today he is not the mayor we elected years ago. He has referred to many and will say to all, he can't use you if you're not on his team. I have received an outpouring of support from the constituents of Montezuma who are waiting to see what happens on today to Mayor Larry and all involved in this case.

The mayor, the one who shot the dreams of many people that held him in high regards. The mayor has put his personal agenda ahead of the voices of the citizens who finally had the opportunity to go to the polls and vote for a much-needed change that was long overdue in the City of Montezuma.

Many involved in this case has caused the dream to be taken away in the twinkling of an eye. I dare not stand here today and tell you how the 2009 election only affected my life. It affected the lives of many that for once finally found someone who could recognize a change was needed in that city.

I am the someone who was willing to go against all odds to be a glimmer of hope to so many that had given up on our city. I would like to give the constituents of Montezuma hope that we can rise above this painful chapter in the history of Montezuma and finally turn the page and leave behind a lesson that the right to vote should not be taken away, but rather given regardless of race, color, creed, age, or disability.

I am asking the Board today to recognize the boundaries that this mayor has crossed. He was elected to lead. Due to his actions and poor leadership to safeguard the city's best interest, I'm asking that you impose the highest allowable punishment by the State Board of Elections. Thank you.

SECRETARY KEMP: Thank you very much, Ms. Riley, for that comment. Does anyone have any comments for Ms. Riley?

(NO RESPONSE)

SECRETARY KEMP: Ms. Riley, I have one question for you, if you don't mind. You know, this Board, as much as it pains us sometimes, we don't deal with politics. We have to deal with the law. And Mr. Harvey is telling us that his investigation did not find any violations of the law. Do you have any testimony or witnesses that would rebuke that?

MS. RILEY: Mr. Kemp, I don't know if you've ever been to Montezuma, Georgia. I don't even know if you know where Montezuma, Georgia is.

SECRETARY KEMP: I believe I have been there.

MS. RILEY: Well, you might have passed through Montezuma. But when you live in a small town and you have the State Election Board superintendent is the wife of the chief of police. You've got the Sheriff there that's the brother. You've got the mayor, who has everybody in his back pocket, what do you do? What do you do?

I know the history of Montezuma back in 2009. I am the youngest, only African-American to ever -- to beat any of my opponents on the voter total, on the machine. But, for some strange reason, the night of the election, they went and found the votes from somewhere. So my thing is, you can't -- if you're asking me can I prove it? No, I cannot. But one thing I can say with certainty, I have searched my heart and I am asking the Board to search your heart as well. Something has to be done in Montezuma.

We have an election coming up in 2000 -- in this year, in November. History is going to repeat itself. It repeats itself every year. When somebody comes forward and wants to make a change, they are called Uncle Tom. I have been humiliated. I have been degraded. My family, everybody has suffered because of Mayor Willie James Larry and his people. And we, the citizens and constituents of Montezuma, we are tired. Something has to be done. Something has to be done. So to answer your question, no, sir.

SECRETARY KEMP: Thank you. Thank you for your passion and let me just remind everyone in the audience, when we have situations in areas around the state like this, unfortunately sometimes we may not have the authority to act, as a Board, but we do have Investigator Harvey and his staff that monitors elections. And we will take note of that in the coming election and make sure that we are monitoring things.

And if others of you, other election officials around the state or other citizens, if you have similar concerns, I would remind you again of our Stop Voter Fraud website, our 1-800 number where you can report voter fraud or you can simply call our office and let us know. And we will make note of that. Thank you, again, Ms. Riley for being here. Anyone else wishing to address the Board? Yes, sir? Name and address of record, please.

MR. LEWIS: Yes, sir. My name is Bobby Lewis. I am a city councilman in Montezuma. 426 Bell Flurry Street. I just want to follow up, for clarification purposes, I think the allegations were threats against the business owner's business, not the business owners, as in intimidation or physical harm.

As a former law enforcement officer, I was elected with Mr. Priester in 2009, and I'm not -- I understand where you must have a probable cause and evidence to move forward. But I also understand that you have to look at collusion and you have to dig and you have to scratch to find something in a county that is operated the way ours is.

You are correct. We have our Sheriff, whose son works for the mayor. You have the Sheriff's brother, who was the police chief. And you have his wife, who was over the election boards. And, sir, in all respect I do believe your investigator that night that was covering the polls, is a

former deputy of the Sheriff and family friend. Okay. So I will offer that.

I also offer that the store owners did not indicate threats against themselves. It was threats against their businesses and against their sales and against their livelihoods. I'm not going to go into all the collusion that runs from the courthouse to the Sheriff's Department to the county commissioners to City Hall, because that has been well documented and testified to your office.

It's been 17 months since I took office and I pray -- I prayed, excuse me, that the investigators that you had working this case would've had come up with more than indecision, uncertainty or continuation. The evidence and witnesses' signed affidavits present a picture of how elected officials should not behave or conduct themselves and the shame and humiliation is brought on the entire State of Georgia.

Prior to the election, in an underhanded attempt, as a state employee, they attempted, officials there, to have me fired from my job. I had to hire a law firm to defend myself against false tax claims, racism, criminal offenses, carrying concealed weapons. All to the fact to where e-mails were sent to bogus e-mail addresses. There was no witnesses, no incident reports.

During the campaign of 2009 against Willie James Larry, who was not even a candidate, he did speak in local churches calling me a white supremacist and went into local businesses, threatening the businesses if they supported myself or the other two candidates. He continued his racial overtones as he distributed sample ballots with choices circled on the ballot.

This is just a small sample of what you've got going on. And I am disappointed that your investigators didn't dig deeper into a community where control -- everyone knows, in a small county and town, you can control the people and the information through fear and intimidation. The fear and intimidation you missed during your investigation, was the fear and intimidation that was coming from the elected officials of the city.

Today I present to you the actual numbers on the November 3rd, 2009, election, when the polls had closed. And you tell me, in good conscience, you can't recognize these irregularities. Myself, Mr. Priester, and Ms. Riley clearly won on the polls that day, the machines by 195 votes, 146 votes, and 70 votes respectively, as the polls had already closed. However, when the absentee voting was counted the three incumbents whipped us soundly in absentee ballots. It was almost, in some cases, a three to one vote to remove them from office the day of election.

To add further insult, about an hour to an hour and a half after the polls closed and the results were posted on the windows, the votes changed. The votes changed. They had been on the radio. They were posted on the window at the polls. The votes, the ballots were taken back to the courthouse and an hour and a half later, we had a mistake. When I speak to someone on the election board down at the county, they said this is the first time I can ever recall anything like this happening. If I recall correctly, we forewarned and asked for assistance in this upcoming investigation, because we were asked to run and try to clean up the corruption in our county.

Your decision today can bring justice and fairness to our county or your decision can encourage the continuance of nepotism, unethical and immoral behavior that continues to place all of our citizens under a cloud of oppression and hopelessness. I hope that you will give us some justice and truth. Thank you.

SECRETARY KEMP: Thank you Councilman Lewis. Thank you for being here today. Any questions?

(NO RESPONSE)

SECRETARY KEMP: I have a couple of questions for you, if you don't mind. Again, we've got to deal with violation of the law with this Board. Have you -- do you have witnesses or testimony of violations that we have not looked at or that you're saying that we did not find.

MR. LEWIS: I feel like we gave you enough information and leads. And I explained to Agent Chuck Miller, when I met with him, you've got to follow the path and follow the bouncing balls to connect the dots.

SECRETARY KEMP: Okay.

MR. LEWIS: Sir, since I have been in office, I was removed from the committee for finding falsified time logs. And I was stripped from the committee. And that's what I emphasized to Agent Miller. I have also contacted the GBI. They told me to fly a kite have a nice day. And even though -- and here's the point. We can get on video of a crime in progress, in which a citizen that we know, on their own, took a hidden camera into a business who's one of the incumbents who was beat, and videoed a crime in progress.

SECRETARY KEMP: What crime was that?

MR. LEWIS: Paying out cash on illegal gaming machines. You want two go further than that, you can buy food stamps 50 cent on the dollar.

SECRETARY KEMP: Let me keep you focused on the election law, because that's what we are here for. I'm serious about this. Can I just remind everyone, we're dealing with election law here, but this testimony is part of the public record. I'm sure there's a lot of ears in this room and we've heard other allegations in this room. A lot of these allegations that we are going to have pursue other legal remedies other than the State Elections Board, as bad as you might not want to hear that. I believe in telling people the truth. Hold on just a second. Is there anything else you needed to follow up on?

MR. LEWIS: No.

SECRETARY KEMP: Mr. Simpson?

MR. SIMPSON: You indicated there might have been some irregularities with the absentee ballots. Did you make any complaints to the investigator about that or any specific allegations about what the irregularities were or what -- who was involved with those?

MR. LEWIS: I signed an affidavit with Agent Miller when I met with him for approximately an hour to go over some of my concerns. The night of the election, I received a call from the head of the election board who says, "What is your problem? You won. Why do you keep pushing this?" or something similar to that. The day before the election, I received a call, on my cell phone, from the head of the election board who says, "We've got your IP address and we went in and found out." You got my IP address and went in looking at my records? I explained this to Agent Miller. "We've got your IP address and we've seen an email you sent to someone." And then, sir, other than that, which I mean, what type of person who is over the election board is going to call and tell me, "We have the capability, at the courthouse, to get your IP address and look at your emails," when there's no probable cause for a crime or any wrongdoing on my part. So my privacy can be violated and they can run after that.

As far as how the absentee ballots and votes were done, I don't know, sir. But I know that my father, my uncle, several friends, were at the polls that night. The numbers were posted on the windows, announced on the radio, and several hours later, in the presence of no one in the public, the numbers changed. I don't know what happened. I really don't, sir. But I know that that, to me, is strikingly odd. And if you are over the elections and you're such a professional, shouldn't you have made sure you had everything correct before you posted it? And why, in an election when we've had concerns prior to the election, is this the only time this has ever happened in our county?

And I'm not throwing light on it, but if I'm not mistaken, your investigator there now is a former employee of the Sheriff's Department, who lives in that county. He was overseeing that election, if I'm not mistaken.

SECRETARY KEMP: We'll look into that. Anything else, Mr. Simpson?

MR. SIMPSON: Thank you. That's all.

SECRETARY KEMP: Mr. McIver?

MR. McIVER: Councilman Lewis, as the chairman has stated, this is the law that we're meeting about here.

MR. LEWIS: Yes, sir.

MR. McIVER: That's the Georgia Election Code. You have described a number of violations, in my view and perhaps Judge Simpson would agree, that are violations of Georgia law, but not the Election Code.

MR. LEWIS: Yes, sir.

MR. McIVER: I can assure you this isn't some effort by us to pass the buck. It's just we are limited, by law, just to enforce this law and that's all we can do. And sometimes that's particularly frustrating to us. We would like to ring somebody's neck. When they come back meeting after meeting after meeting with the same violations and it's a little bit surprising sometimes. It just means your county needs a new election process.

What you have described here is something very different. Now, unfortunately, what we have found is a substantial percentage of voter fraud is in the absentee ballot arena. It's how they are handled and how they are counted and so on. But I assure you, in this law, there are adequate protections against that. And perhaps, in the next election, particularly the one you mentioned that is coming up, you all need to make sure that you have representatives and witnesses available when the counts are occurring and things like that. There are provisions and protections. We have been working on this a long time. The absentee ballots have been under attack by us for a long time, because of their abuse. For us it's a journey and not a destination.

MR. LEWIS: Yes, sir.

MR. McIVER: But that is something we are working on. You folks need to do more and we have provided you more in this law, through the legislature, to ensure that those safeties are there. So you've got more work to do.

MR. LEWIS: Yes, sir. And my concern on that, sir, and this is the last thing I will say, I don't know how commonplace it is. This is the first election I've ever run in. But when you have a candidate who is at the bottom of the poll, I'm talking hundreds and hundreds of votes behind, and they are the leading absentee ballot vote getter, that -- to me that's a little bit suspicious. It's odd that all the absentee voters would've voted for him if they had went in that day, but no one that walked in that day voted for him. That's my concern. I thank you all.

SECRETARY KEMP: Thank you, Councilman Lewis. I can tell you from past experiences, while that is not a good scenario on your political part, we have seen many times where there have been candidates that have lost the election from absentee ballots, because there were certain people or certain groups that went out there and were working the absentee ballot very hard and by the law.

Now, there have been cases where they have not done it by law. We have one right now that's a criminal investigation. But that does happen and as long as people are dealing with the absentee ballots and the handling of them properly, under the guise of the law, you know, that is a way that people can win elections or lose them in our process. We thank you for being here today.

MR. HARVEY: Mr. Chairman, if I could just -- I know there's another speaker. Just to clarify one point that was made, the investigator that investigated this was not a former deputy. On election night, the monitor had formerly worked, at some previous point in his career, for the

sheriff. There was no allegation of conflict. It was brought to our attention that they thought there could be some issue. But the investigator who handled this was not a former employee.

SECRETARY KEMP: The monitor was not part of the allegation?

MR. HARVEY: There was no allegation. And, again, as you're aware, just to educate -- I believe most of the election officials are aware -- when we do monitoring of elections, we try to cover as many precincts and as many places as we can. We obviously can't be everywhere and keep watch over the process. We try to go places that are -- that have been troubled. We also welcome requests for monitoring, if the election officials make it and they need to take advantage of that. Again, we can't be in the City of Montezuma from 7:00 in the morning until 10:00 at night, because we just don't have the people. But we can always respond at some level to those things.

As far as the absentee ballots, as you pointed out, as candidates get more and more sophisticated and organized with absentee ballots -- the swing in absentee ballots, as you're aware, is not an automatic sign of fraud. And, in this case, we investigated specific allegations of absentee ballot fraud from the candidates, and didn't find any irregularities.

SECRETARY KEMP: Thank you. Mr. Priester, if you would just give us your name and address for the record.

MR. PRIESTER: I'm Paul Priester. My address is 322 Marshall Avenue, Montezuma. I'm a city council member. And what I say does not pertain to you four people at all. But this has gotten swept under the rug from the beginning. And I'm not going to talk about all the stuff they talked about. I called and talked to Mr. Harvey about it. Mr. Harvey was there and it's happened since the last race. It looked to me like everything that was being done was being swept under the rug. And as far as the investigator, he must have got lost on the way to Montezuma.

SECRETARY KEMP: If you would, sir, just speak into the microphone so everyone can hear you.

MR. PRIESTER: He must have gotten lost on the way because the one that came down there -- I was the one that got this started. He came to my house fairly often and he told about all these things he had found. And he told me that when he introduced himself to the mayor, the mayor said, "I'm Willie James Larry, Mayor of Montezuma." He said, "I didn't get nowhere with him."

And then, he told me, he said that he had found people everywhere, everywhere that he has caused not to be able to vote. The person who had the driver's license, that was my cousin. She is in her 70s. She can't see partly and she had the last driver's license she had. I have never seen a bigger wash. I have been told by some fellows that Georgia was going to do nothing.

And I'm a Georgian, born and raised. I graduated from Montezuma High School. I played All State in basketball, as a freshman. I went on and played college ball, where I played All State. I graduated from Georgia Southwestern and Georgia Southern, Valdosta State. I became the head



football coach in Jackson, Georgia in two years. I was named the athletic director and head football coach with authority to hire and fire coaches. I came home to Montezuma where I was made principal after just a few years and where I stayed for 21 years.

Willie James Larry, I ran against him in '96 and whipped him for city council member. He's black. I'm white. In a town that's 70 percent black, he could not understand that. He kept saying Priester is cheating. I didn't know what he was talking about. Well, we've got four years and while he was out there, he came up with a system, where he had people going to houses with a copy of this right here. It's a list of who was on the ballot. And he would tell them, "This is the way you are to vote. I'm not asking you to vote this way. I'm telling you to vote this way." I'm a Christian. I'm a deacon in the church. I have preached some in my life and I will not stand here and lie to you. Wherever this investigator is, I would like to see him. I would like to knock him.

SECRETARY KEMP: We're not going to get out of line in this meeting. Let me just stop you right here. One thing about these meetings, we are going to be fair to everyone that's before us, and we're going to be courteous and respectful of everyone. We would appreciate it, if you would, do that as well. Thank you so much. Please continue.

MR. PRIESTER: I apologize. That what he said. I mean he came to my house.

SECRETARY KEMP: Let me just remind you that your time is running. If you want to talk about the specifics of this case, we're going to cut you off when that beeper goes.

MR. PRIESTER: He came to my house and swore that the stuff that I have mentioned is true. I mean there's something bad wrong somewhere. And you all, we're not going to stop here. I mean, we're going to -- we're going to -- we're not going to let this happen and people get away with it. It's going to be headed to the State of Georgia, not Montezuma, Georgia, but the State of Georgia refusing to do justice and the small town of Montezuma, in Georgia.

And we are going aim high. It's going to be all over the United States. You will see it. We will not give up. You know, some people just fold. We're not that kind. We're not going to do it. We're going to get things done. I tell you, we have these pacts that we're going to do it. And nobody didn't believe or didn't care. I'm right. But he sure can prove his point, because the people of Montezuma were shown. Thank you.

SECRETARY KEMP: Thank you, Mr. Priester. I have a question for you. These people that were intimidated, are they here? Will they testify before this Board as to the nature of the intimidation? Because we can't deal on hearsay.

MR. PRIESTER: Yes, sir. I know that. Of course, you've got to realize, these people are poor people. They are 200 miles from here. They can't get here. Some of them -- the people that was most hurt.

SECRETARY KEMP: Have you got names of those people?

MR. PRIESTER: Yes, sir. We do have.

SECRETARY KEMP: Have we interviewed those people?

MR. PRIESTER: The investigator, like I said --

SECRETARY KEMP: No, I'm asking, do you know if we have interviewed those people?

MR. PRIESTER: I don't know.

SECRETARY KEMP: Thank you. Do any other members of the Board have any questions?

MR. McIVER: Mr. Chairman, I would like to point out the investigative report shows 16 witnesses. That investigator talked to somebody.

MR. PRIESTER: No, sir.

MR. McIVER: There are names and addresses.

MR. PRIESTER: He's lied about everything. He's got some business going on down there.

SECRETARY KEMP: We're not going to come up here -- I don't want to tell you what to do, but I would just remind you again to please be respectful of all the parties involved.

MR. PRIESTER: Yes, sir.

SECRETARY KEMP: Including our employees.

MR. PRIESTER: You know, we deserve the rights. You all are fine. But to the state, we pay our taxes just like everyone else. We deserve to be treated like everybody else. I know we're going to have to vote --

SECRETARY KEMP: I can assure you that you're being treated like everyone else. Thank you for being here. Anyone else? Yes, sir?

MR. RILEY: Good morning. I'm Christopher Riley and my address is 7 Seven Seas Court, Montezuma, Georgia. This is my wife, Ms. Tarsha Riley. I really didn't want to say anything, but on behalf of the investigation, I called Chuck Miller -- I called Mr. Miller numerous times. I was never interviewed about my license. My license were broken. I was actually driving people back and forth to the polls. I was going to make sure I voted.

I stopped that, drove to Americus DDS, which you can check. I got my license done in the same day, you know. I know my license was broke. The easy way to prove that was to call DDS and

see if they got any licenses renewed that day.

And, for the record, Mr. Kemp, I know everybody that works at that poll. I've voted there all my life. If he would have came and got me and he said couldn't nobody give no recollection of it. I would have went there and pointed these people out and say, "You don't know me? I've been coming here all my life." I would have went all the way down the row and say, "Did you all not turn me around when I came in here with a broken license? You did not offer me an absentee ballot." And that is just bias. That's just saying that the investigate was biased.

SECRETARY KEMP: Any questions for Mr. Riley?

MR. WORLEY: Mr. Riley?

MR. RILEY: Yes, sir.

MR. WORLEY: According to the investigative report, you were able to vote?

MR. RILEY: Yes, sir. I was -- I'm not saying I wasn't able to vote. I went to Americus and got my license that was not broken. But my broken license wasn't expired either, you know. So I was like, what was the problem? Why did I have to go and burn gas and 30 minutes to an hour running down there to try to get back, just to cast my one vote. And I felt like later I could have just signed the provisional ballot and been through with it. That would mean I would have had ample time to bring more people to the polls and whatever. I know I dropped a lot of people -- a lot of people are poor and didn't have no transportation, so I was helping them out that day.

SECRETARY KEMP: Any other questions?

MR. RILEY: I've never seen an investigator.

SECRETARY KEMP: Any other questions?

(NO RESPONSE)

SECRETARY KEMP: Thank you, Mr. Riley. Anyone else.

MR. PRIESTER: I want to apologize for getting upset.

SECRETARY KEMP: There's no need to apologize. We're glad you're here. Yes, ma'am? Give us your name and address for the record, please.

MS. CANNON: I'm Patsy Cannon, City of Oglethorpe. I live in Oglethorpe. I am the elections superintendent of Macon County. I live in Oglethorpe. I do not live in Montezuma. And for the record, I'm married to the Chief of Police, in Oglethorpe, Georgia, not Montezuma.

I just want to point out that the ones that were here, I know Mr. Priester and Mr. Lewis. They did win. Ms. Riley did not win. Mr. Lewis made the statement about being hundreds of votes off. The tapes were all posted on the windows of the precinct, from all the machines. That's the tapes that they added up to get their totals. What was missing was they didn't let us finish the absentee counting before they started their victory party. The minute the absentees were done, we posted that and that's where the complete total came in.

SECRETARY KEMP: Thank you. Any questions for Ms. Cannon?

(NO RESPONSE)

SECRETARY KEMP: Thank you for being here. We appreciate that.

MR. ALLEN: I'm Judson Allen, a resident of Macon County. I live in Montezuma and Oglethorpe both. First off --

SECRETARY KEMP: Mr. Judson, if you don't mind, would you spell your last name for the report.

MR. ALLEN: A-L-L-E-N, Allen, Judson Allen.

SECRETARY KEMP: And give us your address, please. Well, my mailing address is -- I live in Macon County. I'm Chairman of the Board of Elections in Macon County. I do not live in a municipality. I live --

SECRETARY KEMP: That's fine. Just give us an address.

MR. ALLEN: Okay. My address is going to cause some confusion. I live in North Macon County, which Montezuma and Oglethorpe are both municipalities of, but my mailing address is Post Office Box --excuse me, it's 1914 General John B. Gordon Road, Reynolds, Georgia. Reynolds, Georgia is not in Macon County.

SECRETARY KEMP: We're not worried about where your mailing address is.

MR. ALLEN: I cause confusion everywhere I go.

SECRETARY KEMP: Let me suggest, if you will, just restart his time, Jessica. All right.

MR. ALLEN: I'm not going to be long. I'm going to be short.

SECRETARY KEMP: We're glad to have you with us. Thank you.

MR. ALLEN: First off, I would like to apologize to everybody here in attendance for airing local, dirty laundry in public. I mean this is embarrassing and this is much ado about nothing. And I will

say Ms. Cannon did a very good job of elected officials and I promise you that, in no way, that anything could have gone wrong. The only thing possible that we would change is to make sure the local radio station announcer emphasizes that this is preliminary results, preliminary results.

We were thinking we had the official results before that and I would invite any of the folks here today to come watch the absentee ballots being counted. I mean there's no way anything -- a conspiracy between two people, maybe; three people unlikely. Ten people in the room, forget it. There's no way. But anyway, thank you.

SECRETARY KEMP: Any questions for Mr. Allen?

(NO RESPONSE)

SECRETARY KEMP: Thank you for being here.

MS. CANNON: Secretary Kemp, the one thing that I did leave out --

SECRETARY KEMP: If you would, just give us your name and address again.

MS. CANNON: Patsy Cannon, Oglethorpe, Georgia. There was only 45 absentee ballots not hundreds. That is all.

SECRETARY KEMP: Any questions?

(NO RESPONSE)

SECRETARY KEMP: Anyone else wishing to speak on this matter that hasn't already spoke?

(NO RESPONSE)

SECRETARY KEMP: Ms. Riley, if you would, just came back to the podium. Ms. Riley? You're good, Mr. Allen. Thank you, sir. Ms. Riley wanted to submit something to the Board, a paper document. And if you would just tell us what that is and then I'll take motion to accept the document.

MS. RILEY: Okay. Contrary to what the election superintendent stated, Ms. Patsy Cannon, said that the advanced numbers, she stated that they were not posted at the polling place. That sheet of paper is the original paper that we had from the night of the election, where all the numbers that were posted on the window. Those are the numbers that were taken down afterwards. Those are the original numbers that were written by Councilman Lewis's father, who went to the poll to witness the counting of the machine votes. So those were the original numbers from 2009.

SECRETARY KEMP: Thank you.

MR. McIVER: I move to accept.

SECRETARY KEMP: We've got a motion to accept. Do we have a second?

MR. WORLEY: Second.

SECRETARY KEMP: I have a motion and a second. All in favor of accepting the document, please signify by saying aye.

BOARD MEMBERS: Aye.

SECRETARY KEMP: All opposed, same sign.

(NO RESPONSE)

SECRETARY KEMP: The motion carries and the document is accepted. Mr. Harvey?

MR. HARVEY: No, sir. I don't have anything to add except as, Mr. McIver pointed out, a lot of these issues appear to not be election related. And, as Mr. McIver pointed out, our investigator did a very expensive job interviewing names that were provided to him. There's a lot -- in this case there was a lot of, sort of, conventional wisdom at word on the street when things were happening, but there was no subsequent evidence to support it. So I stand by my original recommendation that a letter of instruction go to the person who incompletely completed assistance on the absentee ballot.

SECRETARY KEMP: Any other questions for Mr. Harvey. Mr. Simpson?

MR. SIMPSON: How were the winners determined in this election. Was it the top vote getters were the ones who were elected?

MR. HARVEY: Yes.

MR. SIMPSON: Thank you.

SECRETARY KEMP: Any other questions for Mr. Harvey?

(NO RESPONSE)

SECRETARY KEMP: I've got several questions I wanted to ask you. Can you expand on the allegation about Mr. Riley not having the opportunity to get a provisional ballot? I know he ended up going to get his driver's license and did vote in the election.

MR. HARVEY: We interviewed all the people that were working at the precincts and everybody, all the poll workers said that they had no recollection of anybody ever being turned

away. The closest we got to somebody that say -- said that they saw him walk into the precinct and then turn around and walk back out.

We did get records from the Department of Driver Services that showed that he did get a new driver's license on that day and that he did return and was able to vote. The people that were there denied -- conflicted with his story about not being offered a provisional ballot. And whether a broken -- that might be an issue. The question of whether a broken or deformed ID would be acceptable as ID. Anyway, I'm not sure.

SECRETARY KEMP: Thank you. I think this is another good educational experience for all of us that are here today about provisional ballots and an opportunity, if there is a conflict at a polling location, like this instance, that we have a provisional ballot process in our state to make sure that we have all the votes cast and counted. Any other questions for Mr. Harvey?

(NO RESPONSE)

SECRETARY KEMP: Any motion from the members?

MR. McIVER: I move that we close one through six and we bind over, for legal or some disposition, the allegation in number seven.

SECRETARY KEMP: We've got a motion by Mr. McIver. Do we have a second?

MR. WORLEY: Second.

SECRETARY KEMP: I've got a motion and a second. Any other discussion?

MR. WORLEY: I would just like to state, for the record, that I'm seconding that motion and I do that because we've heard a lot of information here today, but we haven't heard anything that rises to the level of violations of the election law. Through the investigator's report and particularly through the witnesses that have come, there is just nothing there that rises to a violation of the election law. So I think those allegations should be dismissed.

SECRETARY KEMP: Thank you, Mr. Worley. Any other comments?

(NO RESPONSE)

SECRETARY KEMP: Let me just say, I support the motion as well, but I want the people to know, who testified today, that even though this outcome may not be what you like, we do have a duty to follow the law and to do the best that we can on these issues. Sometimes it's not what we want to do. It's what we have to do.

But I can tell you that we have heard your concerns about the City of Montezuma and the elections, and we would -- we will be diligent from the Secretary of State's Office to make sure that we

monitor future elections and let everyone here know that that is the case. We will look forward to seeing you all on election day and before, in the next election. Thank you for taking the time to be here today. Any other comments?

(NO RESPONSE)

SECRETARY KEMP: Okay. We've got a motion and a second. All in favor of the motion, signify by saying aye.

BOARD MEMBERS: Aye.

SECRETARY KEMP: All opposed, same sign.

MR. SIMPSON: No.

SECRETARY KEMP: Mr. Simpson votes no. The motion carries with a three to one vote. Case number 2009, number 63, Quitman County.

MR. HARVEY: Members of the board, this case was originally presented several meetings ago. The allegation was that the Board of Registrars was not updating and going through the voter lists on a regular basis. The complainant, Cheryl Butler, made the allegation.

We did an initial investigation and found out that, in the past, they had not been holding regular meetings, however, they have instituted compliance with the law to hold regular meetings and review their voters list. Ms. Butler provided approximately 30 to 45 names of people she thought might not be registered properly. They held hearings in some of those cases. Ms. Butler was not completely satisfied with the treatment that she received and with the burden that she carried a challenging those people.

At the last meeting the members -- the SEB members requested that we go back and verify a 2003 consent order, which Quitman County had signed requiring them to perform an audit of their electors list be done. And in the subsequent months, Quitman County has done that. They provided documents in February of this year attesting that they had reviewed their voters listed. They acted on the people that Ms. Butler has provided as questionable. They have a new chairperson of the Board of Registrars. The previous chairperson had to resign for health reasons. And it appears that the Quitman County Board of Registrars is in compliance with the original consent order. It appears that they are meeting their statutory obligations to meet and review their voters list.

They realize it's an ongoing process and something needs to be done regularly. Ms. Butler is a jury commissioner, I believe, and has fairly regular access to information and she is diligent about reporting that to the Board of Registrars for action. But it appears that Quitman County is in compliance with the law. They are in compliance with the consent order. And I recommend that this case be closed.



SECRETARY KEMP: Thank you, Mr. Harvey. Any questions?

(NO RESPONSE)

SECRETARY KEMP: Okay. Anyone else wishing to speak on this case? Welcome. If you would, give us your name and address, for the record.

MR. CORLEY: Chad Corley, attorney for Quitman County. Address, 472 West State Avenue, Cordele, Georgia. The Board of Registrars agrees with Mr. Harvey's recommendation. We just would like to point a few things out to the Board.

One, that this consent order that he is referring to is from the 2000 -- from the 2000 election, a 2003 consent order based on the 2000 election. Since that election and consent order, there is a new board of registrars and there is a new probate judge and, in fact, there's a new county attorney. The probate judge is here with me today prepared to answer any questions that you may have on the procedures they follow. His name is Andrew Bennett. And he is very diligent in working with the board of registrars in making sure that they -- they follow -- follow Georgia law.

This is the second time that Mr. Harvey has recommended that this case be close and found that the board of registrars is in compliance with Georgia law. The board simply does not know what else we can do. The board had done everything that it can do. Once again, this matter is found to be in compliance with Georgia law. And I would ask that the Board here today agree with Mr. Harvey's recommendation and close this case.

SECRETARY KEMP: Thank you, Mr. Corley. I think the last time the recommendation was made, one of the Board -- the Board actually just wanted to verify all of this. Is that correct?

MR. HARVEY: That's is correct. The way I recall it, is there were some issues over the 2000 election that came up kind of in the discussions.

SECRETARY KEMP: It looks like everything is good. Any other questions?

(NO RESPONSE)

SECRETARY KEMP: Anyone else wishing to speak?

MR. BENNETT: Mr. Chairman, Board, my name is Andrew Bennet. I am the Probate Judge and the Election Superintendent of Quitman County. And I do thank you for allowing me this time to be with you this morning.

SECRETARY KEMP: Give us the address real quick, Judge.

MR. BENNETT: 77 Ridgeview Street, Georgetown, Georgia.

SECRETARY KEMP: Thank you.

MR. BENNETT: I do appreciate the efforts of this Board in trying to see that we have fair and secure elections in the State of Georgia. And I am here this morning to confirm the Inspector General's findings in this case. And I'm also here to answer any questions that the Board may have for me.

SECRETARY KEMP: Thank you, Judge. Any questions?

(NO RESPONSE)

SECRETARY KEMP: I don't think we have any questions, Judge. Anyone else wishing to speak?

(NO RESPONSE)

SECRETARY KEMP: Let me just say this. We appreciate you gentlemen being here today. In my personal opinion, this is what we like to see and hear. We appreciate you taking charge of this situation and verifying that you've done everything that the Board asked you to do. We realize that while you all may not have started this issue, you have certainly, I think, in my mind, put it to rest and we appreciate that. Any other comments from the Board?

(NO RESPONSE)

SECRETARY KEMP: Hearing none, do we have a motion?

MR. WORLEY: I make a motion that we close this case.

MR. McIVER: Second.

SECRETARY KEMP: Is that the right motion we need, to close it?

MR. HARVEY: Yes, sir.

SECRETARY KEMP: We've got a motion and a second. Any other discussion?

(NO RESPONSE)

SECRETARY KEMP: Hearing none, all in favor of closing, please signify by saying aye.

BOARD MEMBERS: Aye.

SECRETARY KEMP: All opposed, same sign.

(NO RESPONSE)

SECRETARY KEMP: Motion carries. Thank you, gentlemen. All right. 2010, number 11, City of Americus.

MR. HARVEY: Members of the Board, this case had an allegation that people were soliciting absentee ballots and mishandling absentee ballots and absentee ballot applications for a municipal election. We focused on a particular candidate and some people that were allegedly working for her. The candidate denied that she had instructed anybody to mishandle absentee ballots, however, when we reviewed the absentee ballots -- absentee ballot envelopes that came in, we found that there were two people who had illegally assisted in that illegally processed absentee ballots.

A Charlotte Nelson had assisted her mother, who was entitled to assistance for the absentee ballot, however, she failed to sign an oath or mark that she had assisted. So we recommend in that case -- that was not related to any campaign. That was simply a daughter helping her mother with the absentee ballot. She did not sign as assisting, as required by law, in violation of 21-2-385.

The more serious allegation involved respondent Laura Finch who admitted going door-to-door, dropping off absentee ballot applications, sometimes returning them, and then when people received their absentee ballots, she would return to them. In some cases, she would assist them with their absentee ballots. In at least five cases, she took possession of those absentee ballots to deliver them for the voters. So it appears that she both violated the law 385, in terms of assisting people that were not entitled to assistance, and then 21-2-574, took possession of at least five absentee ballots. Those were the only people we were able to identify who had anything to do with absentee ballots. It's recommended that both of these respondents be bound over to the Attorney General's office for further action.

SECRETARY KEMP: Any questions for Mr. Harvey?

(NO RESPONSE)

SECRETARY KEMP: Hearing none, anyone else wishing to speak on this matter?

(NO RESPONSE)

SECRETARY KEMP: Hearing none, can we have a motion?

MR. McIVER: I move we bind these over to the Attorney General.

MR. WORLEY: Second.

SECRETARY KEMP: We've got a motion to bind the three -- all three allegations over to the

Attorney General's Office and I have a second. Any other discussion?

(NO RESPONSE)

SECRETARY KEMP: Hearing none, all in favor, please signify by saying aye.

BOARD MEMBERS: Aye.

SECRETARY KEMP: All opposed, same sign.

(NO RESPONSE)

SECRETARY KEMP: The motion carries. All right. Case number 2010, number 44.

MR. HARVEY: This case, Respondent John Fillhart actually self reported to the Secretary of State's Office. He had been a resident of Florida that was registered to vote in Florida. He bought a house in Chatham County. He registered to vote. He had the intention, I believe, of moving to Georgia. He registered to vote and voted in Georgia. He then returned to Florida, voted in Florida, and returned back to Georgia on several occasions.

So he -- he never voted twice in the same election. I want to make that clear. There's no allegation he voted twice in the same election. However, in returning to Georgia after he registered and voted in Florida, it appears that he would have needed to re-register to vote again in Georgia.

A report shows the time line of his voting started in 2000 all the way through 2009. And you can see that in 2008 -- in 2007, he votes in Georgia. 2007 he votes in Georgia. 2008 he votes in Florida. In November of '08, he returns to Georgia. He votes in Georgia again and then returns to Florida and votes.

As I said, Mr. Fillhart reported himself to the Secretary of State's Officer in Chatham County. He has subsequently asked to be removed from the Chatham County voters list. I believe he has returned to Florida, where he is a resident there. It does appear that he is possibly in violation of 21-2-571 for voting in an election in Georgia after he had moved and voted in Florida without re-registering.

It is recommended that this case could conceivably be bound over to the Attorney General's Office, although this might be one that could be worked out with a consent order, by a cease and desist in the future at the Board's discretion.

SECRETARY KEMP: Thank you, Mr. Harvey. Any questions of Mr. Harvey?

MR. WORLEY: I have a question, Mr. Harvey.

MR. HARVEY: Yes, sir?

MR. WORLEY: The report indicates that he possibly violated the code by voting in an election in November of 1998. What is the statute of limitations for that violation?

MR. HARVEY: I believe -- I believe that's actually a -- that's a misprint. I believe it should be 2008 instead of 1998. I apologize.

SECRETARY KEMP: Any other questions of Mr. Harvey?

(NO RESPONSE)

SECRETARY KEMP: Hearing none, anyone else wishing to speak? If you would just give us your name and address for the record, please, sir.

MR. FILLHART: My name is John Fillhart. My address is 515 East Victory Drive, Savannah, Georgia. I wasn't expecting any kind of a meeting of this sort. I figured it would be in a small room and much more informal, so I first want to apologize for the way I'm dressed. I mean no disrespect.

SECRETARY KEMP: We wish we were dressed like you are. Go right ahead.

MR. FILLHART: I, secondly, would like to apologize to the audience for taking up their time when there are cases that are a lot more important than mine. So I owe them an apology. And finally, thirdly, I would like to apologize for my actions. I didn't realize the seriousness of them. And I have been made aware of it. That's when I contacted the Board. I submitted all the records as to what I had done. So I have no excuses. I have no rationalizations or justifications. I came to try and do the right thing. So thank you very much.

SECRETARY KEMP: Thank you for taking the time to be here today and self reporting. Any questions?

MR. McIVER: I do have one.

SECRETARY KEMP: Mr. McIver?

MR. McIVER: It is admirable, the self-reporting. I thank you for that. Did you ever think it was appropriate to vote in two different elections -- two different locations?

MR. FILLHART: I can tell you where my head was. It's not a justification or an excuse. I was paying taxes on properties. I was living part-time in Florida. I paid taxes there. I was spending time here in Savannah, restoring an old house, and I guess in the back of my head I was thinking I could get a little bit of representation if I went and voted in each place.

At the same time, if I happened to be in Florida, I would go and exercise my right to vote there. And if I happened to be in Savannah at the time of an election, I would vote here. I didn't realize the seriousness of it.

MR. McIVER: You should know that we've been particularly harsh on people who have voted in the manner you have in two different states. The self reporting, in my own heart and mind, is an excellent result in this case. But you should know that we take that very, very seriously and when you vote in another state you diminish the power and the vote of everybody as you would have done here in Georgia. I trust we will not see you back here.

MR. FILLHART: I'm sorry?

MR. McIVER: I said, I trust we will not see you back here.

MR. FILLHART: Oh, no.

SECRETARY KEMP: Mr. Worley?

MR. WORLEY: Mr. Fillhart, what was it that led you to think that this wasn't correct and to report yourself to the Secretary of State?

MR. FILLHART: Well, it was brought to my attention in Florida by my county down there. And I immediately took action and I unregistered here. I unregistered down there. I got unregistered in both states until I could sell one of the properties and I could tell where I was supposed to be. I have since re-registered here in the State of Georgia.

MR. WORLEY: Thank you.

SECRETARY KEMP: Any other questions?

(NO RESPONSE)

SECRETARY KEMP: Hearing none, thank you, sir. I appreciate you being here today. Is there anyone else that wishes to speak on this matter?

(NO RESPONSE)

SECRETARY KEMP: I have one question for Mr. Harvey. If Mr. Fillhart had not self reported, would we have ever found out about this from the state of Florida?

MR. HARVEY: Probably not.

SECRETARY KEMP: Very good. Thank you. Any other discussion from the Board?

(NO RESPONSE)

SECRETARY KEMP: I will accept a motion.

MR. McIVER: I move that we bind it over with direction for consent and that I would like them to pay particular attention to the fact that he self-reported and it seems to be appropriate.

SECRETARY KEMP: I have a motion. Do I have a second?

MR. SIMPSON: Second.

SECRETARY KEMP: I've got a motion and a second. Any other discussion?

(NO RESPONSE)

SECRETARY KEMP: Let me just say that I'm going to support Mr. McIver's motion. I appreciate Mr. Fillhart taking time to be here today and self reporting. Like Mr. McIver, this is a very serious situation and I think another good learning experience for all of you who are here today. I concur and feel that Ms. Brumbaugh, that she will handle this in the correct way. Mr. Fillhart, we appreciate you taking the time to be here. Any other discussion?

(NO RESPONSE)

SECRETARY KEMP: Hearing none, all in favor of the motion to refer to the Attorney General's Office signify by saying aye.

BOARD MEMBERS: Aye.

SECRETARY KEMP: All opposed, same sign.

(NO RESPONSE)

SECRETARY KEMP: That motion carries. With that, let's see, we need to break for executive session. Okay. What we're going to do here is the Board shortly will give me a motion to break, for us to go into executive session. I know the elections officials and the folks from around the state that are here for training have other classes and things going on this afternoon. So many of you may not be back with us.

Let me just thank you for your great attendance today. Again, thank you for your service and being our partners in elections. I hope that you enjoy your lunch. We will come back at what time?

MS. MONK: 1:30.

SECRETARY KEMP: I need a motion to break to go into executive session and then return at 1:30.

MR. SIMPSON: So moved.

MR. McIVER: Second.

SECRETARY KEMP: Mr. Simpson moved and Mr. McIver seconds. All in favor of the motion, signify by saying aye.

BOARD MEMBERS: Aye.

SECRETARY KEMP: All opposed, same sign.

(NO RESPONSE)

SECRETARY KEMP: We are breaking for executive session until 1:30. Thank you.

(APPLAUSE. LUNCH RECESS.)

SECRETARY KEMP: Okay. We're going to ahead and get started. I'll take a motion to come out of executive session and go back to our regular State Election Board meeting.

MR. SIMPSON: So moved.

MR. WORLEY: Second.

SECRETARY KEMP: I have a motion and a second. All in favor, signify by saying aye.

BOARD MEMBERS: Aye.

SECRETARY KEMP: All opposed, same sign.

(NO RESPONSE)

SECRETARY KEMP: That motion carries. Let the record reflect that Mr. McIver is not back with us. He will be returning shortly. Okay. Mr. Harvey, we are on case 2010, 119 Chatham County White case.

MR. HARVEY: Yes, sir. This case was prompted by the November 2nd, 2010, general election. The allegation was that Michelle Reese, who was a student in Savannah, had registered to vote in August of 2008, the 30th. And when she went back to vote in 2010, she was told that she was registered in Fulton County and was not able to vote.

What the investigation determined was that Ms. Reese had returned to Fulton County. She had



renewed her driver's license. She had given residence and mailing addresses in Fulton County, Georgia, and was, therefore, registered to vote in Fulton County, Georgia. And so when she appeared to vote in Chatham County, she was told that she was, in fact, registered to vote in Fulton County. It does not appear that there's any violation of election law and it's recommended that this case be closed.

SECRETARY KEMP: Thank you. Any questions for Mr. Harvey?

(NO RESPONSE)

SECRETARY KEMP: Anyone wishing to speak on this case? I'm ready for a motion.

MR. SIMPSON: I move the case be closed.

MR. WORLEY: Second.

SECRETARY KEMP: I've got a motion to close and a second. Any other discussion?

(NO RESPONSE)

SECRETARY KEMP: Hearing none, all in favor of closing this case signify by saying aye.

BOARD MEMBERS: Aye.

SECRETARY KEMP: All opposed, same sign.

(NO RESPONSE)

SECRETARY KEMP: The motion carries. All right. Case number 2010, 125 Chatham County Bacon case.

MR. HARVEY: This case involves in the same 2010 general election. Pat Bacon appeared to vote at his voting precinct and when he went to vote, he was told that he was in the wrong precinct, he was voting in the wrong district. He left the polling place without questioning or asking for a provisional ballot or indicating that anything was wrong. He realized that the polling place he was told to go to was about six miles away. He didn't have any way to get there, so he went home and he simply did not vote.

Our investigation has determined that when he renewed his driver's license, he put his address on there and, through an error in inputting the data through the Department of Driver Services, instead of putting his addresses as Island Drive, they listed it as Island Road, which put him at a different polling place, different precinct. He didn't make any challenge to the people at the polling place. He simply left. It appears the poll workers responded properly in terms of telling him the other location. He complained after about not being able to vote. The situation has been corrected.

However, it doesn't appear that there was any violation on the part of the election officials in this case either. I recommend this case be closed.

SECRETARY KEMP: Okay. Thank you, Mr. Harvey. Let the record reflect Mr. McIver is back with us. Any questions for Mr. Harvey?

(NO RESPONSE)

SECRETARY KEMP: Hearing none, any else wish to speak in regards to this case?

(NO RESPONSE)

SECRETARY KEMP: Hearing none, I think this is -- before we get to a motion, it's another good lesson for not only our elections officials, but for voters in general as to, you know, the options we have for provisional ballots and making sure that, you know, if something like this comes up at the polling locations and the voters, as well as the folks working there, the provision for provisional ballot should we get all those counted for those that want to vote. It's just a good way for us too learn and continue. You can go back home and share that with your volunteers and poll workers. Any other discussion?

(NO RESPONSE)

SECRETARY KEMP: Hearing none, do we have a motion?

MR. WORLEY: I would move to close this case.

MR. SIMPSON: Second.

SECRETARY KEMP: I have a motion and a second to close. Any other discussion?

(NO RESPONSE)

SECRETARY KEMP: Hearing none, all in favor, signify by saying aye.

BOARD MEMBERS: Aye.

SECRETARY KEMP: All opposed, same sign.

(NO RESPONSE)

SECRETARY KEMP: That motion carries.

MR. McIVER: Let the record reflect I abstained.

SECRETARY KEMP: Let the record reflect that on the last vote that Mr. McIver abstained because he did not hear the testimony of the report. Case number 2010, 86, McIntosh County, the Grovner case.

MR. HARVEY: The complainant in this case is Diane Williams, from the McIntosh County Board of Elections and Registration. The allegation was that Nathaniel Grovner, when he learned that an absentee ballot application for a family member had been rejected, went to the office at the Board of Elections and Registration. He had a conversation or a contest, a dispute with the Board of Election representatives. He thought the application should have been accepted. It was denied. Some words we're exchanged. Mr. Grovner raised his voice and told some people to butt out. He then left the area. While it appears that it was a less than cordial encounter, there was no law enforcement summoned. There were no police reports made. There were no threats made. It does not appear that there was any type of violation in terms of intimidation or interference. And it's recommended that this case be closed.

SECRETARY KEMP: Any questions for Mr. Harvey?

(NO RESPONSE)

SECRETARY KEMP: Is there anyone else wishing to speak on this case? Good afternoon. Let me just remind you to just give us your name and address for the record. Thank you.

MS. WILLIAMS: My name is Diane Williams. I work at the McIntosh County Board of Elections and Registration. We were working the advanced voting --

SECRETARY KEMP: Pull that mike down. We can barely hear you.

MS. WILLIAMS: I'm sorry. I'm sorry. We were at the office, at the elections office on the afternoon of September the 27th, 2010. Mr. Grovner had come in with a stack of absentee ballot applications. We had gone through his applications and one, in particular, it was not a family member. It was a man named Mr. Leonard Van. Mr. Van is from -- he lives in North Carolina. So we had gone through and checked -- I'm sorry. I'm nervous.

SECRETARY KEMP: No, no. You're fine.

MS. WILLIAMS: -- we checked the voter registration card against his address and the Post Office Boxes did not match on his application and on the voter registration card. And also Mr. Mucha, from the Board of Elections, had contacted his mother. She said he was not living in McIntosh County. He has not lived there for a long time.

So, on that basis, we could not accept the application. Mr. Grovner came in and he was very angry at me and Mr. Mucha. And he pointed his finger in my face, "Butt out, butt out. You don't belong here. What are you doing here? I don't like what you're doing here." It was a very confrontational act. And I believe Mr. Mucha has something to add to that.

SECRETARY KEMP: Hold on just one second. Any questions?

MR. SIMPSON: Was it Ms. Williams?

MS. WILLIAMS: Williams.

MR. SIMPSON: Did this happen at the polling place or in the office?

MS. WILLIAMS: In the office.

MR. MUCHA: In the office, which is a polling place.

SECRETARY KEMP: Let's just hear from the person that we have on the record for the transcript.

MS. WILLIAMS: It was in our office, which is a polling place.

MR. SIMPSON: Just advanced voting?

MS. WILLIAMS: Right. It was on September the 27th.

MR. SIMPSON: Any other voters in the area?

MS. WILLIAMS: I can't say for sure. I don't remember if we had people in the back. We have a front office. This happened in the front office. And it was in the office of our supervisor. But it was in front of other people not just myself.

SECRETARY KEMP: Any other questions for Ms. Williams?

(NO RESPONSE)

SECRETARY KEMP: Okay. Thank you.

MR. MUCHA: Mr. Robert Mucha and I'm the Chairman of the Board of Registration and Elections in McIntosh County. My address is 1414 Plantation Drive, Darien, Georgia 31405. On that particular day, when Mr. Grovner came in, he was very upset. He actually wanted to talk to me initially because I was the one that -- who had called Mr. Van's mother. And she gave me the information indicating the man had not lived in McIntosh for some number of years. He received a lot of his mail there, but at the same time had not -- he was not residing there. He was in North Carolina.

He basically has said this a number of times, but he said, "I don't like you two being in here. You shouldn't be in here. You shouldn't be doing this." Ms. Williams walked up and was standing by the doorway. She was standing there, because she is the one who sent out the letter of rejection

to Mr. Van. And she was trying to explain to Mr. Grovner what was going on.

He was very brusque. "You butt out. You butt out." And I said, "Hey, knock it off. I don't like what you're doing." He said, "I don't like what you are doing either." He said -- I said, "Well, I really don't" -- he says, "Well, I'll just let the court decide that." But then he went on from that saying -- showing me one of the addresses on the registration card and also for the address requested for the absentee ballot to be sent. They did not match, which kind of resolved the issue.

But this has been ongoing. I mean, he says to our election supervisor, "I don't like those two in there." And it just -- it really is a form of intimidation, for her more so than it is for me, but I just figured, you know, something has got to stop somewhere. That's all I have to add really. If you have any questions for me, I'm glad to answer them.

MR. WORLEY: I have a question. So is there a section of the code that you contend was violated when he --

MR. MUCHA: Yes, sir.

SECRETARY KEMP: Well, let me say, while she's getting that, we appreciate, even under hostile conditions, which this Board very well knows happens at times, from time to time, we appreciate you doing the right thing in regard to the ballot request.

MS. WILLIAMS: I was --

SECRETARY KEMP: Hold on one second, let the record reflect that Diane Williams is back at the mike. Go ahead.

MS. WILLIAMS: I was working. I was a poll worker at this time. I'm a member of the board, but we were also working, you know, during advanced voting. The code is 21-2-566, uses or threatens violence in a manner that would prevent a poll officer or actually prevents a poll officer from the execution of his or her duties or continually interrupts and materially interferes with execution of poll officer's duties.

MR. WORLEY: You're talking about subsection four?

MS. WILLIAMS: 21-2-566, number two.

MR. WORLEY: The report that we received -- the report that we received says that at the time this occurred there was -- there were no voters present and the behavior was not disruptive to the other workers. Is that correct?

MS. WILLIAMS: As I said, I'm not sure if we had any voters in the back room. We have two separate -- a place where the machines are set up and that door was open. And I don't remember

if we had someone in back room voting, at that time. And I think a police report was filed with the Sheriff on this.

MR. WORLEY: And what happened with that?

MS. WILLIAMS: They just took the report they have it. They have the report. I should have, I guess, brought it with me.

MR. WORLEY: And when did that happen?

MS. WILLIAMS: Probably that day. I think I've got the letter, the letter that I wrote to the SEB. I wrote it on that day.

MR. WORLEY: So that's September 2010.

MS. WILLIAMS: Do you all want this?

MR. WORLEY: No, we have that actually. So the police have done nothing since then.

MS. WILLIAMS: Correct; on that particular case. No.

MR. WORLEY: Is there another case?

MS. WILLIAMS: Yes. Well, there are other things.

MR. WORLEY: What other things?

MR. HARVEY: We have other open investigations in McIntosh County.

MR. WORLEY: Involving Mr. Grovner?

MS. WILLIAMS: Yes.

SECRETARY KEMP: Any other questions for Ms. Williams or Mr. Mucha?

(NO RESPONSE)

SECRETARY KEMP: All right. Thank you all for your testimony. Mr. Harvey?

MR. SIMPSON: Could I ask one question?

SECRETARY KEMP: Mr. Simpson did have one more question for you.

MR. SIMPSON: I apologize. I'm sort of new to the process, so I apologize for not giving you a

timely question. Did that interfere with your doing your job? I mean, I think the code section says it has to materially interfere with you been able to perform your duties. What do you think about that? Can you tell us a little bit more about the impact or the effect of what he was doing?

MS. WILLIAMS: Well, if a voter had walked in, they would have been in the middle of it. No one actually walked in, but they -- we're a very small office in a very small county. And we have a lot of advanced voting. And, as I said, I don't remember if someone was in the back room voting, but they could have been. They would have heard it if they had been there, but I am not sure.

MR. SIMPSON: But you don't know whether anybody else other than the three of you all were in the office at all?

MS. WILLIAMS: We were the only three in the office, at that time.

MR. MUCHA: We were the only three working, at that time. I can't remember if we had anybody else --

SECRETARY KEMP: We've got to make sure it's just one of you speaking at a time. The court reporter can't keep up with who is saying what. So go ahead, Ms. Williams.

MS. WILLIAMS: No. I'm just saying that we were the only three of the office. Ms. Gale, Mr. Mucha, and myself.

MR. SIMPSON: Thank you.

MR. WORLEY: I would like to follow up. I'm still just trying to get a little clarity about this. Do you, Ms. Williams, feel that your -- the execution of your duties were materially interfered with?

MS. WILLIAMS: At that moment?

MR. WORLEY: At that moment.

MS. WILLIAMS: Well, we did not have anybody come into that front office, but it was a very threatening thing to me.

MR. WORLEY: I can understand that. I understand you saying that. But the statute that you cited has to involve some material interference with your duties. And I haven't heard you say that yet. If you want to say it, say it.

MS. WILLIAMS: Well, I mean, there was not a voter in there and that's what I was -- you know, I had other things that I was doing that day that that interfered with.

MR. WORLEY: But that's true at any time that somebody comes in the office.

MS. WILLIAMS: Exactly.

SECRETARY KEMP: Any other questions?

(NO RESPONSE)

SECRETARY KEMP: Thank you so much. Anyone else wishing to speak?

MR. GROVNER: Mr. Chairman --

SECRETARY KEMP: If you would, just state your name and address, for the record, and speak into the microphone.

MR. GROVNER: My name is Eldon Nathaniel Grovner. My address 707 Butler Street, Post Office Box 149, Darien, Georgia 31305. I would like to give you a little background information about myself. I'm a lifelong resident of McIntosh County, for the past 68 years. I've been a minister of the gospel for the past 42 years. And I'm a firm believer in the words of Paul that says, "Let everything be done decently in the Lord." I worked as an educator at the Georgia public school system for 34 years. I'm a civil rights activist for better than 40 years. I feel that I have been very blessed to be of service to my fellow man in McIntosh County. I have always enjoyed helping others and working against evil and injustice.

I come before you today to deny the allegations that have been levied against me by Ms. Diane Williams. She alleges that during the general election of 2010, that I interacted with her in a threatening manner. I categorically deny any behavior that was threatening or disrespectful. I went into the McIntosh County Board of Registration and Election office to confirm with Eleanor Dahl (phonetic) Gale, who is the superintendent and supervisor of elections in McIntosh County, regarding a question of residency pertaining to a Len Van, who was registered in McIntosh County, at that time. He was on the voters list. And he still is on the voters list.

While talking with Ms. Gale, Ms. Williams interrupted our conversation. Mind you, Mr. Chairman and members of the Board, my conversation was with Ms. Gale and I. This was rude behavior and a lack of respect to me and Ms. Gale. Consequently, I asked her to butt out of our conversation, I was not talking to her. At no time was I threatening or disrespectful in speech or behavior.

In my opinion, Ms. Williams became upset and decided to vindicate being by using the State Board of Elections as a means of threatening me. I sincerely hope that you will abide by the findings of the investigation. I thank you kindly for your attention in this matter.

SECRETARY KEMP: Thank you, Mr. Grovner. Any questions?



(NO RESPONSE)

SECRETARY KEMP: Thank you, sir. Anyone else wishing to speak on this case?

(NO RESPONSE)

SECRETARY KEMP: Mr. Harvey, Mr. McIver has a question for you.

MR. HARVEY: Yes, sir?

MR. McIVER: Mr. Harvey, in looking at the citation for the statute by Ms. Williams, was any thought given to perhaps your group becoming the complainant on a matter such as this?

MR. HARVEY: The investigation becoming the complainant?

MR. McIVER: Yes.

MR. HARVEY: No, sir. We didn't come to that. Ms. Williams made the complaint of record to us, so ...

MR. McIVER: Thank you.

SECRETARY KEMP: Mr. Harvey, I've got one question. It says Ms. Gale was a witness. Do we have -- what was the investigative findings? Do you know?

MR. HARVEY: I knew she was interviewed by Investigator McGill (phonetic). If you give me one second, I can find her statement. She's actually present if you would like to hear from her directly.

MS. GALE: My name Eleanor Dahl Gale. I'm the elections supervisor in McIntosh County. My address is P.O. Box 1062, Darien, Georgia 31305. I was present that day. The incident did take place in my office, in the doorway. Mr. Grovner came in to see me to ask about Leonard Van's voter -- absentee ballot application.

I had lost an employee. I had one went out on workman's comp, and was still out. And the board members got involved and rallied around to help me get my letters out and getting absentee ballots out, because it is a small county. That day that Mr. Grovner came in, he was upset concerning Mr. Leonard Van's voter application denial. I told him that Ms. Diane Williams do a letter stating that his address on the absentee ballot application did not match the voter registration card, as well as the voter registration on the state system.

And Diane came in, because I had mentioned her name and she was the one that wrote the letter. And she took it a step further with calling Mr. Van's mother. That was the phone number that was on the registration card. And she, Ms. Van, turned around and gave Ms. Williams Mr. Van's

phone number. And that's what Bob called Mr. Van to find out if he was a resident here in McIntosh County. And he stated to Bob that he lived in North Carolina, that was his visiting address and when he came home, he lived in McIntosh. And his mother said he lived in North Carolina. So there's a discrepancy between the mother and son.

But the main reason why he got a letter was because the addresses did not match the voter registration system or the registration card. And Ms. Williams was the one that wrote the letter. And besides myself working, Marilyn Lynn was in there too, in the office. At the time, there was no voters in the office. But our offices is kind of small. When you walk in the front door, you've got the right and then you have my office, so ...

SECRETARY KEMP: So is he still on the voter roll?

MS. GALE: Yes, he is. But he's fixing to get a letter for a hearing, because we're scheduling our hearings for next month.

SECRETARY KEMP: Any other questions for Ms. Gale?

MR. McIVER: You can't much get away here without helping me with the discrepancies. I heard two very different stories here about what occurred either in your officer or by the doorway.

MS. GALE: Okay. My office is right there. As you come in the door, the front lobby, I mean, it's like a L-shape and my door is right there where you come in. After you come in, you turn the corner and I'm right there. Ms. Williams was sitting in the front office and she got up and came in my office. Mr. Grovner was standing in the doorway, inside my door, when he made the comment that he was upset about it. Diane put her comment in there, letting him know that she wrote the letter and that's when he told her to butt out, you know. But I didn't take it hostile, because I have a lot of people that come in there that become upset and I try to calm it down or smooth it over.

MR. McIVER: Well, which version of the story is more accurate? The told by Ms. Williams and Mr. Mucha or that by Mr. Grovner?

MS. GALE: He came in too see me originally. And he was upset about this man not being able to vote because of his application. And he had a copy of the application in his hand. Now, they did have a confrontation and he told her to butt out she got upset about it, as well as him getting upset, but he was hollering at her and ...

MR. McIVER: Was there gesturing back and forth?

MS. GALE: He pointed his finger at her and told her to butt out.

MR. McIVER: So, again, I'm going to ask you this question. Which of these two versions is more accurate that you were the eyewitness to?

MS. GALE: I guess mine.

(LAUGHTER)

SECRETARY KEMP: Mr. McIver, you're going to have to restate that question.

MR. McIVER: I ain't going to ask it a third time.

MS. GALE: Well, she did step into my office when he was upset and that's when he turned around and said, "You butt out, butt out, butt out," and "I don't like what you two are doing here." And he -- and I've told him many times, over and over, that I do not control my board. And he was a county commissioner and I guess they kind of feel like they've still got power as a commissioner.

SECRETARY KEMP: It's pretty clear that the two board members were there, for a reason, helping you with --

MS. GALE: Right. Right.

SECRETARY KEMP: -- the elections process.

MS. GALE: There were three board members present.

SECRETARY KEMP: Three.

MR. McIVER: I trust you understand our very keen interest in protecting election officials.

MS. GALE: Yes, sir.

MR. McIVER: I've said it many times, it's the toughest job in Georgia.

MS. GALE: Well, we wouldn't have had the extra board members in, but I lost an employee that died on me, in my office. And we started elections and it became kind of a stressful situation. And you kind of -- you kind of smooth it over a little bit because you do get some people that are really hostile in there. And once they leave, they're in a better mood because you can -- nine times out of ten you can smooth them over.

MR. McIVER: Well, the election code and this Board is going to protect election officials, I can assure you, at least as long as I'm sitting here. Again, that's an extremely tough job. We don't want our election officials abused. It's great that we've got people like you that perhaps can calm these waters for people who are upset and so on. But again, the code is very clear that there is not to be an abuse of an election official. That's the reason for our questions.

MS. GALE: If there was a voter in there, I would have asked him to leave or either called the law.

I have a good relationship with the city police, as well as the sheriff's department. And we do have a panic button and if we get somebody really hostile, all you have to do is hit that button and they're there within probably two minutes.

MR. McIVER: Are you in the courthouse?

MS. GALE: No, I'm not. They moved us out of the courthouse. We are two blocks over from the courthouse.

MR. McIVER: In an annex.

MS. GALE: Uh-huh. Yes, sir.

MR. McIVER: Those are my questions. Thank you.

SECRETARY KEMP: Mr. Simpson?.

MR. SIMPSON: As being an observer to the confrontation, do you think the confrontation interfered with the duties of Ms. Williams while she was helping you, working in the office?

MS. GALE: Well, she was doing -- writing the letters out for absentee ballots, as well as greeting people when they came in, so...

MR. SIMPSON: Well, did it interfere with her duties?

MS. GALE: Well, I guess when she got up it did, when she came in there for the confrontation.

MR. SIMPSON: Thank you.

SECRETARY KEMP: Mr. Worley?

MR. WORLEY: I have just a couple of questions. Did it interfere -- did Reverend Grovner interfere with your duties, at all?

MS. GALE: I was putting in the early voters in the election system. Once they had the ballots, they come back in through the mail and we check to receive them. I was logging them into the system when he came in.

MR. WORLEY: But --

MS. GALE: I never got up out of from where the computer is.

MR. WORLEY: Right. And anytime somebody comes into your office to ask you a question, you have to stop what you are doing to do that.

MS. GALE: Yes, sir.

MR. WORLEY: So would you consider somebody coming in and asking you a question to be an interference in your duties?

MS. GALE: No, because I get people come in all the time when I'm in doing something. I stop what I'm doing to answer the questions or help them.

MR. WORLEY: In this case, when you're doing advanced voting there in your office, you're also considered a poll officer, correct?

MS. GALE: That's correct.

MR. WORLEY: Are the members of the board considered poll officers or not?

MS. GALE: Yes, sir. They are, because we were doing early voting. One person was helping with registering people in. When they came in, Ms. Marilyn Lyn was doing the absentee ballots in the small room. Ms. Williams and Mr. Mucha was in our office helping me.

SECRETARY KEMP: All right. Any other questions?

(NO RESPONSE)

SECRETARY KEMP: Thank you, Ms. Gale. We appreciate your comments. Anything else from the Board? Is there anyone else who wishes to speak?

MR. WORLEY: I have a question for Mr. Harvey.

MR. HARVEY: Yes, sir.

MR. WORLEY: Mr. Harvey, we had a similar case to this in Greene County?

MR. HARVEY: Yes, sir.

MR. WORLEY: And I believe the board voted to refer that to the Attorney General?

MR. HARVEY: Yes, sir.

MR. WORLEY: And you had an administrative hearing that was held on that.

MR. HARVEY: Correct.

MR. WORLEY: And what was the results of that?

MR. HARVEY: I believe -- I believe it came back and the Board disregarded the ALJ hearing. Ms. Brumbaugh may --

MS. BRUMBAUGH: We had --

SECRETARY KEMP: See if that mike is on right there.

MS. BRUMBAUGH: We had a hearing before an administrative law judge on this very code section that has been quoted. And the ALJ found there was no violation. The Board overruled that recommendation with regards to -- there were two respondents. The Board accepted as to one respondent and overruled it as to the second respondent.

SECRETARY KEMP: If you don't mind me asking, who was the judge in that case?

MS. BRUMBAUGH: Her name was Judge Kristin Miller.

MR. HARVEY: And, Mr. Worley, one of the differences in that case and this case -- and I agree with what Mr. McIver said about protecting election officials. In that case, law enforcement was called immediately in response. In this case, that didn't happen. That played into my recommendation.

MR. WORLEY: My recollection was that the incident in Greene County, at least as it was described, was more egregious than it was here and law enforcement was called.

MR. HARVEY: That's my memory also. At least it appeared that way, according to the election officials. They called for 9-1-1 to get somebody there.

SECRETARY KEMP: Any other questions from the Board?

(NO RESPONSE)

SECRETARY KEMP: Anyone else who wishes to speak on this matter?

(NO RESPONSE)

SECRETARY KEMP: Hearing none, do we have recommendation or motion? Discussion?

MR. McIVER: I would move to close on the allegation that Ms. Williams improperly denied an absentee ballot. Perhaps we should split these, because there was a potential violation pointed out here. It was not supported through the allegation and we need to determine, at this time, about the absentee ballot application. So there's some confusion on that. I move to close that part.

SECRETARY KEMP: Is that an allegation, Mr. Harvey?

MR. HARVEY: Well, that was -- that wasn't -- that was sort of what prompted it. The real allegation was the interference.

MR. McIVER: See, I tried to clean that up.

MR. HARVEY: Yes, sir. I would agree that we didn't find any violation on the rejection of the absentee ballot.

MR. McIVER: If there was an allegation then that's all we need to do.

MR. HARVEY: Yes, sir.

SECRETARY KEMP: All right. Restate that motion, please, Mr. McIver.

MR. McIVER: I move to close on the allegation that the absentee ballot was improperly denied to Mr. Van.

SECRETARY KEMP: We have a motion. Do I have a second?

MR. WORLEY: Second.

SECRETARY KEMP: I have a motion and a second. Any discussion?

(NO RESPONSE)

SECRETARY KEMP: Hearing none, all in favor to close the allegation on Mr. McIver's motion signify by saying aye.

BOARD MEMBERS: Aye.

SECRETARY KEMP: All opposed, same sign.

(NO RESPONSE)

SECRETARY KEMP: That motion carries. Do we have another motion?

MR. McIVER: You were waiting on me. I would move to bind over the remaining allegation on the conduct of Mr. Grovner.

SECRETARY KEMP: We have a motion. Do we have a second?

MR. SIMPSON: Second.

SECRETARY KEMP: We have a motion and a second. Any discussion?

MR. WORLEY: Well, I wouldn't support that, because of just the way I interpret the law in the previous cases. Someone may maintain that Mr. Grovner was rude and he may have been rude, but I don't think it's a felony violation of statute to tell someone that they should butt out or that he doesn't like the fact that he didn't like what they do. He has his right to say that and I think it is his right to say that in the office, as long as he is not clearly interfering with the conduct of the election officials.

It doesn't appear to me there's been any testimony that that happened. So I think it's improper to do that. I also think it's a waste of the Attorney General's resources and the resources of the Administrative Law Judge because, at least the one other case where we've done this in the past -- and I voted against referring that, I believe, you know, based on what was not a violation of this section of the code. So I wanted you to understand why I'm going to vote no.

SECRETARY KEMP: Mr. McIver?

MR. McIVER: I have great respect for my learned colleague, Mr. Worley. But, in this instance, I will remain fiercely protective of election officials. These are tough, tough jobs for which there are no thank yous.

UNIDENTIFIED SPEAKER: Could you all speak up, please?

MR. McIVER: They are not appreciated, by the county, as they should be, so I will continue my long-standing position of being fiercely protective of election officials. I do think this conduct, as I credit it from the stories that we've heard and the testimony we've heard -- the statements, not testimony, is in my view, it crossed the line. That does trigger, in my opinion, 21-2-566(2) and that's the reason for the motion. There are some very simple solutions here, that I'm sure our chair will discuss, but there are ways to correct this in a manner that's respectful of all and hopefully will result in more appropriate adult conduct in the future.

SECRETARY KEMP: Any other discussion?

MR. SIMPSON: Well, I'm sort of -- I'm on the fence on this case, because I agree that it did not interfere with an election that was going on, because there were no other voters in the office. But I tend to want to read 21-2-566 subparagraph two, because it says "materially interferes with the execution of a poll officer's duties." All three of the employees of the election officials were very hesitant to say that, but I think if you look at the nature of the conduct, the smallness of the office, the circumstances within which this arose, then it did materially interfere with the conduct and the duties of those three people.

I think there is unusual circumstances here, because the board members were filling in for employees that were not there. It was obviously a stressful time. It was very difficult time for the election officials. So I think -- I'm from a small county. I tend to think I want to think about how this would've affected people in small counties. I think it did materially affect the operation of that office at the time. So I will vote. I think it's a very close question and I think it should be



looked at a little more closely with an Administrative Law Judge

SECRETARY KEMP: Any other discussion?

(NO RESPONSE)

SECRETARY KEMP: Well, I think, there is -- you know, we can certainly vote on Mr. McIver's motion. I think also we have the option to send a message with a letter of instruction or cease and desist. I, like Mr. McIver and I'm sure Mr. Worley too, even though they both disagree on their position in this case, I think, you know, this whole board is concerned with the election officials, making sure that we have an environment in our elections offices where people are respectful. I think we have been very proactive in that manner.

However, in this country and in this state, I believe citizens also have a right to voice concern in a respectful way, as well, to the elections officials about things they have a concern about. And we know that people are passionate about elections and a lot of issues that we're facing. I'm like Mr. Worley, concerned that if we send it to the ALJ, we're going to waste a lot of the Attorney General's time, we won't get a favorable ruling, and we'll be right back here, dealing with this, in the next quarter or the quarter after that.

I'm just wondering if it may not be better to send a letter of instruction or a cease and desist. It would send a very clear message that this kind of conduct will not be tolerated in our elections offices. And that we do not want to see him here again in this type of circumstance. But we do have a motion on the table. I'll call it unless there is a withdrawal and substitution.

MR. McIVER: Were you offering a substitution, Mr. Chair?

SECRETARY KEMP: I can offer a substitute if you would like. I make a substitute motion that we send a letter of instruction and work out a cease and desist for Mr. Grovner in this matter.

MR. McIVER: I'll withdraw my motion, if Mr. Simpson will withdraw his second. And I would be honored to second the substitute motion.

MR. SIMPSON: I will withdraw the second.

SECRETARY KEMP: Okay. Mr. McIver withdraws his motion. Mr. Simpson withdraws his second. We have a substitute motion on the floor.

MR. McIVER: Which I second.

SECRETARY KEMP: Mr. McIver seconds. Any other discussion?

(NO RESPONSE)

SECRETARY KEMP: Hearing none, all in favor of the substitute motion, signify by saying aye.

BOARD MEMBERS: Aye.

SECRETARY KEMP: All opposed, same sign.

MR. WORLEY: No.

SECRETARY KEMP: I have one no vote. The motion carries and we will do the letter of instruction and cease and desist in this matter.

MR. WORLEY: Mr. Secretary, if I could just explain, I think that what you suggested is a reasonable compromise. And it's probably the right thing to do. But I want to be consistent with what I've done in the past, which is to say that if I don't believe that there is actual violation of the law, I also don't believe it's appropriate to send a letter of instruction to someone who hasn't violated the law. I don't believe he did violate the law. I just wanted to make that remark.

SECRETARY KEMP: Thank you, Mr. Worley. We certainly appreciate your comments and your position of being consistent. I think that's one thing the Board has been over the years, even though we don't always agree. I think it's a good lesson for all of us of how we should behave in the future. I'll call the next case, 2010, number 87, Thomas County, the Boyd case.

MR. HARVEY: The allegation in this case was that the candidate for the State House, Margie Boyd, was paying people based on the number of votes that they registered to vote and also possibly an employee was hiring people that were illegal immigrants, not properly registered.

We did an investigation and found out -- spoke with the complainant, spoke with the people at the elections office. We identified the employee who was, although not named, somebody that was bilingual. We found absolutely no evidence that any illegalities were involved, anybody who was improperly registered, that there was any type of compensation, and no problems with any of the absentee ballot applications or requests coming in. So I recommend this case be closed.

SECRETARY KEMP: Any questions for Mr. Harvey?

(NO RESPONSE)

SECRETARY KEMP: Hearing none, anyone else wishing to speak on this case? Anyone else?

(NO RESPONSE)

SECRETARY KEMP: Seeing none, do we have a motion.

MR. WORLEY: I make a motion to close this case.

MR. McIVER: Second.

SECRETARY KEMP: I've got a motion and a second to close. Any other discussion?

(NO RESPONSE)

SECRETARY KEMP: Hearing none, all in favor of closing, signify by saying aye.

BOARD MEMBERS: Aye.

SECRETARY KEMP: All opposed, same sign.

(NO RESPONSE)

SECRETARY KEMP: Motion carries and the case is closed. Case number 1010, number 96, Bibb County, Lucas.

MR. HARVEY: This case involves the November 2010 general election. The allegation was that the candidate Elaine Lucas attempted to influence voters in a retirement home that she visited and was passing out campaign literature. Councilwoman Lucas did appear at Englewood Manner Retirement Home. They had voter registration drives going on. She brought refreshments. She brought food. She was passing out campaign literature suggesting that people vote for candidates that she supported, again, much like was mentioned in the Montezuma case.

There was no evidence, no witnesses that said that she ever conditioned any of the refreshments on registration or voting. There was no allegation or no evidence that there was anything improper about absentee ballot applications or absentee ballots. A couple of the residents just complained that they didn't think it was appropriate that she was passing out partisan literature at a retirement home. It does not appear that there was any violation and we would recommend that this case be closed, as well.

SECRETARY KEMP: Any questions or Mr. Harvey?

(NO RESPONSE)

SECRETARY KEMP: Hearing none, anyone else wishing to speak on this case?

(NO RESPONSE)

SECRETARY KEMP: Bibb County Lucas case.

MR. SIMPSON: Move to close.

SECRETARY KEMP: Hearing none, we've got a motion by Mr. Simpson to close. Do we have a second?

MR. McIVER: Second.

SECRETARY KEMP: Second by Mr. McIver. Any other discussion?

(NO RESPONSE)

SECRETARY KEMP: Hearing none, all in favor of closing, signify by saying aye.

BOARD MEMBERS: Aye.

SECRETARY KEMP: All opposed, same sign.

(NO RESPONSE)

SECRETARY KEMP: The motion carries. Case number 2010, number 121, Bibb County, Freeman case.

MR. HARVEY: This case is also November 2010 general election. In this case, Ms. Freeman went to vote. She was told that she was not registered. She had been deleted. She was offered a provisional ballot. She left, called the elections office, spoke with the people in the elections office, found out that she had not voted since 1996 and was -- had been properly deleted from the system. She returned and voted provisional ballot anyway, which was subsequently rejected. She re-registered to vote at that time and now she is an updated and active voter. It appears the election officials did everything properly. They offered the provisional ballot. They let her re-register. And it does not appear that there is a violation in this case, so we recommend this case be closed.

SECRETARY KEMP: Any questions for Mr. Harvey?

(NO RESPONSE)

SECRETARY KEMP: Hearing none, anyone else wishing to speak on this case?

(NO RESPONSE)

SECRETARY KEMP: Hearing none, any other discussion? Motion?

MR. McIVER: Move to close.

MR. SIMPSON: Second.

SECRETARY KEMP: I have a motion and a second to close. Any other discussion?

(NO RESPONSE)

SECRETARY KEMP: Hearing none, all in favor -- all in favor of the motion to close signify by saying aye.

BOARD MEMBERS: Aye.

SECRETARY KEMP: All opposed, same sign.

(NO RESPONSE)

SECRETARY KEMP: The case is closed. All right. Case number 2011 -- I will note this is a 2011 case, Mr. McIver -- number seven, Baldwin County. It's the Barnfield case.

MR. HARVEY: This case involves a Maria Barnfield, who is an immigrant to this country from the Ukraine. In this case, she was a legal resident. And, in 2006, she went to get her driver's license and she was inadvertently registered to vote. She did not request to register to vote at that time, in 2006. However, due to an error at DDS, she was registered to vote. She was sent a precinct card and she voted twice in 2008. In January of 2008, for the presidential preference primary. She signed an advanced voter certificate. And on October 23, 2008 she signed a post card application for an absentee ballot in Baldwin County. She then appeared on October 29th, 2008, canceled her absentee ballot and voted in person.

Her -- we spoke with her. Now, she is also a self-report. She was attempting to gain citizenship and when these circumstances came to light, the immigration board, they denied her citizenship. She wrote to the Secretary of State's Office explaining what had happened and essentially requesting our assistance. We started an investigation and found out that, although she did not attempt to register herself, she did vote twice.

She says that when she went to vote the first time, she actually used her immigration card as ID and was allowed to vote. She said that in her country, in her culture, there was a -- there were repercussions if you do not vote. It was expected that you vote. So she thought that since she had been sent a precinct card, she was eligible to vote and she -- she thought maybe when she went to the polling place, if somebody had found out that she shouldn't have voted, that they would've stopped her. But she is essentially claiming it's out of ignorance and not understanding what was going on. The fact is, she voted twice while not being a citizen of the United States. I believe she is present with her husband today and, at this point, I would recommend that this case be bound over to the Attorney General's Office.

SECRETARY KEMP: Any questions for Mr. Harvey?

(NO RESPONSE)

SECRETARY KEMP: Hearing none, yes, sir? Tell us your name and address.

DR. BARNFIELD: Thank you for allowing us too be here today. My name is Dr. Robert Barnfield. I was an educator in New England for 42 years before I came down to Milledgeville to retire. Thank you for allowing us to participate today.

SECRETARY KEMP: Mr. Barnfield, if you don't mind, if you would just give us your address for the record.

DR. BARNFIELD: Yes. Thank you. And, in Ukraine, I spent at lot of time in the Ukraine, on church ministries. I'm a pastor. And, in the Ukraine, if you do not show up, you will receive official notification from the government or the police. The police will come knocking at your door and haul you in and you're ready to see a judge. When Maria first came to the United States in October 2005, we were married in November of 2005. And the immigration officer, I wasn't present because I wasn't allowed in for her citizenship test. I'm speaking for her because of the language difficulties. I'm a little nervous. Please excuse me.

SECRETARY KEMP: Take your time. If you don't mind, give us your address for the record.

DR. BARNFIELD: It's 111 Old Forge Way, Milledgeville, Georgia 31061.

SECRETARY KEMP: Thank you, sir. Go right ahead.

DR. BARNFIELD: I'm an American citizen and very proud to be so. I came to the United States in '69 and I was in the military for five years. I came to the United States and wanted to come back sand I came back and lived here and I'm very proud to be an American citizen.

The immigration attorney, before this happened, told Maria that she was allowed to vote, but in the city elections, not in the federal elections. And because of her misunderstanding, being in another country, and a different culture, et cetera, she received a card in the mail and appeared exactly the same as she would have done in the Ukraine, wanting to be a good citizen.

When she went to vote, there were two ladies behind the -- behind the counter, two registrar ladies and a policeman who asked her for ID and she showed them the driving license and her green card. So right there, they should not have allowed her to vote. That's number two. Number one, when she went for the driving license, she was put on the rolls. They asked her for the -- she gave her Ukraine international passport and the visa to be allowed into the United States. It takes five years to get a green card. You've got to be a citizen for five years to get a green card and she showed them the green card and her Ukraine international driving license -- Ukraine international passport with the picture. Right there she should not have been put on the rolls. So it's like a Catch-22 situation.

Now, to finalize, because all of this, Maria hasn't been allowed to get a passport, not been allowed to get her citizenship. She passed 100 percent. She only got one question wrong on the citizenship test. And she cannot get her citizenship because she voted. We went to Mr. Harvey for help from you guys with immigration to see what we could do to rectify this negative, very

negative thing. Thank you for your time.

SECRETARY KEMP: Thank you for being here today. Thanks to both of you for being here. Ma'am, would you like to add anything? You don't have to. I'm just ...

MS. BARNFIELD: I would like to say something.

SECRETARY KEMP: If you would, just give us your name and address for the record.

MS. BARNFIELD: My name is Maria Barnfield and I live at 111 Old Forge Road, Milledgeville, Georgia. This is my husband. And I am here to tell my story. I just want to say I don't understand. I don't know why this happened. I appreciate. Thank you.

SECRETARY KEMP: Thank you. Any questions for either of the Barnfields?

(NO RESPONSE)

SECRETARY KEMP: Mr. Harvey?

MR. HARVEY: Yes, sir.

SECRETARY KEMP: Have we talked to the immigration attorney.

MR. HARVEY: No, sir. We got a notice from -- I believe it was provided to us from ICE that they had rejected her attempt for citizenship and they were not taking any removal actions against her, but they were not granting citizenship. But, no, I am not aware. This is the first I'm hearing of the immigration attorney advising her that she could vote.

SECRETARY KEMP: Is there a reason they would advise her to vote in a city election?

MR. HARVEY: I --

SECRETARY KEMP: Ms. Brumbaugh? Do you know why that --

MS. BRUMBAUGH: I can't --

MR. HARVEY: I can't imagine that anybody would have done that. I mean, although we had a similar allegation, with Mr. Medellin, there's an allegation that the judge said you can vote locally.

SECRETARY KEMP: Ms. Brumbaugh?

MS. BRUMBAUGH: I was just going to bring that case to the Board's attention. It was the case out of Franklin County, very similar, where Mr. Medellin was told he could vote in local elections. He did not lie on his registration card. He said, "I'm not a citizen." He signed it. They

registered him. He then voted once or twice. We took it to an OSAH hearing. The statutes that are in play are specific intent statutes. You have a knowing -- you have to have knowledge that what you're doing is wrong. The OSAH judge found no violation of the election code and the Board did accept that initial decision.

SECRETARY KEMP: There was no violation --

MS. BRUMBAUGH: Yes. The Board accepted the recommendation and found no violation on the part of Mr. Medellin.

SECRETARY KEMP: Any other questions for Mr. Harvey or Ms. Brumbaugh?

MR. SIMPSON: I have one. Was the reason that her citizenship application was denied? Did it have anything to do with the voting or was it for some other reason? Was there a reason given?

DR. BARNFIELD: On the --

SECRETARY KEMP: Hold on one second. If you don't mind, Mr. Barnfield, you need to come up to the mike so the court reporter can make sure she's getting all this.

DR. BARNFIELD: On the application for naturalization, the N-400, on item 7A, B, and C, it asks if you have voted -- ever voted in the United States. And Maria said yes, she did. And when the examining young lady asked her why she voted, she said because when she was here before, the immigration attorney, the young black lady, who was being transferred to Washington, D.C., told Maria that she was allowed to vote. And Maria got the impression that she was allowed to vote and that's what she did. Everything for Maria, of course, until the letter came from you guys to UCSIS (phonetic) to write a letter for Maria so she could become a United States citizen. In the Ukraine, in the job, Maria was the assistant director for the National Health Research Department. She was a very respected member of the Ukraine.

SECRETARY KEMP: Let me stop you right there. Do you know the young lady's or the lady's, the immigration attorney's name?

DR. BARNFIELD: No, I didn't know her.

SECRETARY KEMP: Can you get that?

DR. BARNFIELD: I could dig it up and give it to Mr. Harvey.

SECRETARY KEMP: Was she a government or private attorney.

DR. BARNFIELD: Government attorney, UCSIS attorney. When we went for a hearing because of this, this was when they said -- we went back in with our attorney from Atlanta.



SECRETARY KEMP: Do you feel fairly certain you could get us the name of that federal employee?

DR. BARNFIELD: Yes, sir. Yes, sir.

SECRETARY KEMP: Any other questions? Mr. McIver.

MR. McIVER: I've got one more question. Let me put this question to you. I assume you're speaking on behalf of your wife. The allegation is she signed the voter certificate indicating that she was a citizen, indicating that she was a citizen.

DR. BARNFIELD: I would say that's not true.

MR. McIVER: Then I'll have to follow up with -- your response is she did not do that? In other words, she did not say she was a citizen in completing the voter certificate.

DR. BARNFIELD: On one white card, at the -- when she voted in the federal election, it said something about you are a United States citizen. And because of her difficulty with English and not being able to read English, she really just signed after she went to vote, when the policeman and the two registrar ladies were there in Milledgeville at the voting booth. They checked her out with her ID and then told her to sign the card. And it was because she signed that card that she is not, today, an American citizen.

MR. McIVER: So there was an inadvertent registration of her voting at the time she went to get her driver's license?

DR. BARNFIELD: Yes, sir. Of course, it was her misunderstanding. She didn't know what the -- she just signed what she was given.

MR. McIVER: Well, you do appreciate our position?

DR. BARNFIELD: Yes, sir. I wish I had been preemptive and we wouldn't be here today. Thank you.

MR. McIVER: No other questions. Thank you.

SECRETARY KEMP: Does anyone else wish to speak on this case? Mr. Harvey?

MR. HARVEY: There are two signed voter certificate by Ms. Barnfield where she swear -- you must swear that I am not -- "I, the undersigned, do swear or affirm," et cetera, and that "I am a citizen of the United States and the State of Georgia." That is on the first one. On the second one, it's the same. "I, the undersigned, do swear or affirm that I am a citizen of the United States and the State of Georgia." She signed both of those forms.

SECRETARY KEMP: Is there anyone else wishing to speak?

(NO RESPONSE)

SECRETARY KEMP: Hearing none, I would move here to first off, I'm not sure about the facts and how this took place for the Barnfields. But I am certain of one thing, the government has messed up in this situation by putting her on the voter rolls and perhaps by bad advice. And I think -- I'm not one to delay any of these cases, but, I think, in this instance, if we feel like we could get the federal attorney's name and interview that person and see what kind of advice was given, I think that will clearly have something to do with the intent, Ms. Brumbaugh. I would like for us to do a little more investigative work on this case and then bring it back at the next meeting.

MR. WORLEY: I would second that motion.

SECRETARY KEMP: Any discussion?

MR. McIVER: I so badly wanted to get a 2011 case off the docket.

SECRETARY KEMP: Is that a motion to dismiss?

MR. McIVER: No.

SECRETARY KEMP: I understand Mr. McIver, but we have to do the right thing sometimes. I'll restate the motion that we continue to investigate this matter and have Mr. Harvey try to get in touch with the federal attorney. And we will bring it back up to the next Board meeting or whenever it's appropriate. Do we have a second?

MR. SIMPSON: Second.

SECRETARY KEMP: Second by Mr. Simpson. Any other discussion?

(NO RESPONSE)

SECRETARY KEMP: Hearing none, all in favor of the motion, signify by saying aye.

BOARD MEMBERS: Aye.

SECRETARY KEMP: All opposed, same sign.

(NO RESPONSE)

SECRETARY KEMP: The motion carries. Let me get you all to help me thank one of Chatham County's finest law enforcement officers, who is here today, helping us with the security, in the back of the room. We also want to thank Sheriff Al St. Lawrence for helping keep us safe today. We appreciate you and stay safe out there.

(APPLAUSE)

SECRETARY KEMP: Please let the sheriffs know that we appreciate them rising to the call of duty to help us today. Thank you. We're going to now move to a special hearing. You all heard discussions on this earlier today, some of them in our public comment period by two fine Chatham County Commissioners.

I did want to address before, as we move into this special hearing, the reason that we are handling this this way. We decided to only hear from folks that we have subpoenaed in this case unless the Board decides otherwise. We'll move to a hearing. I know that the Commissioners were frustrated a little bit with that earlier today and I certainly understand that, but I also want to make sure that everyone knows that we have been over this case several times and we understand the allegations. A couple of other people have spoke today. I don't think there's any doubt that we know that there are forged signatures on the documents. That is not the problem that this Board faces.

The problem is, we've got to establish the evidence for probable cause to continue to move forward. And that's why we took the unprecedented steps to subpoenaed people for this hearing today. I think it shows just how serious we take this hearing and, after hearing what we did in Macon, that we decided to do this. And with that, I'm going to go ahead and move forward. We do have some documents that Commissioner Stone has submitted to the Board that I need to get a motion to accept.

MR. McIVER: I move we accept them.

MR. WORLEY: Second.

SECRETARY KEMP: We've got a motion to accept -- actually, it's a newspaper article. We've got a motion to accept the documents -- we've got a motion and a second. All in favor of accepting the article from Commissioner Stone, please signify by saying aye

BOARD MEMBERS: Aye.

SECRETARY KEMP: All opposed, same sign.

(NO RESPONSE)

SECRETARY KEMP: We have accepted the documents. What we're going to do here is call on Ann Brumbaugh, who works for the Attorney General's Office, to give us an introduction on this case. Then we'll follow up when she is finished. Ms. Brumbaugh.

MS. BRUMBAUGH: Members of the Board --

SECRETARY KEMP: Let's get you a microphone.

MS. BRUMBAUGH: Members of the Board, this case involves a nomination petition filed by David Osborne to run against Helen Stone, in 2008, for the Chatham County Commission office. In order to run as an independent candidate, David Osborne had to collect over 700 signatures on these nomination forms. When the petitions were turned in to the Board of Elections and Registration in Chatham County, it was discovered that there were forgeries. Ms. Stone had gone out and Ms. Stone had found, I think, 25 or so people who said, "No, I never, ever signed these petitions."

A complaint was made to the Secretary of State's Office and the Secretary of State's Office sent their investigators back to Savannah, several investigators back to Savannah to do further work and see if they could find all the forgeries or not. And they found an additional 25 or so forgeries. So, what we have now is 50 forgeries, at least 50 names on these petitions that were forged. And that is undisputed.

The issue, in the case, is who did the forgeries and whether the petition circulators knew that these names were being forged when they obtained them on their positions. In order to help resolve these questions, we have subpoenaed the 20 respondents that the investigation uncovered in 2008 and 2009. And I propose that I call the respondents one by one, ask them questions. If the Board then wants to ask questions, after I finish with each witness, the Board is welcome to do so.

At the end of this question and answer period, the Board can -- will have several options. The Board can order a further investigation; the Board can resubmit -- the Board can keep the case in my office and I will move forward with the administrative prosecution on these respondents; or the Board can close the cases. And the Board could do different things with different respondents. Some people you may want more information from, some people they might want to close, and some people it may show we have sufficient evidence for a violation.

So that is the posture we're in today. And my questions will pertain to -- to information regarding election code violations, specifically knowledge of the forgeries on these petitions. Does anybody have any questions?

(NO RESPONSE)

MS. BRUMBAUGH: I would first call Edwin Morris. Is Mr. Morris present?

(NO RESPONSE)

MS. BRUMBAUGH: Mr. Morris was subpoenaed to attend. I have had several -- both myself and Mr. Harvey had several communications with his father. Mr. Morris is 46 years old. He apparently suffered a debilitating stroke about a year ago, spent a year in a nursing home, and is still unable to walk, unable to speak, and unable to really even complete basic functions. I have provided e-mails that I received from Mr. Morris, Sr., the father, as well as Mr. Morris's

communication with his son's healthcare providers. I also spoke to Mr. Morris's doctor. Mr. Morris confirmed to me that Mr. Morris could not speak, could not walk, and was severely impaired as a result of his stroke. So I didn't expect him to be here today.

I would next move on to David Osborne. Is Mr. Osborne present?

MR. OSBORNE: I'm here.

MS. BRUMBAUGH: If you could please come up and stand at the podium.

SECRETARY KEMP: Thank you, Mr. Osborne. We need to swear you in.

MR. OSBORNE: My name is David Osborne. I live at 8511 Elmhurst Court, in Savannah.

SECRETARY KEMP: If you would just raise your right hand and repeat after me.

(WITNESS SWORN)

SECRETARY KEMP: Thank you for being here. Ms. Brumbaugh.

**DAVID OSBORNE, SWORN**  
**EXAMINATION BY MS. BRUMBAUGH:**

Q Good afternoon. Mr. Osborne, you were the one that was trying to get on the ballot in 2008, correct?

A Yes, ma'am. That's correct.

Q Did you hire a man named Edwin Morris to help you accumulate petition signatures?

A Yes, ma'am. I did.

Q How did you find out about Mr. Morris?

A He was recommended to me by someone else.

Q Who recommended him to you?

A John McMasters.

Q And once you met with Mr. Morris, what did you engage him to do? Tell us about your conversations and your expectations.

A I gave him a map of the First District and I asked him to select or collect signatures on the petition.

Q Where did you get that map from?

A From the Chatham County Elections Board.

Q Did you discuss how he would obtain those signatures?

A No.

Q What was your understanding as to his background and why was he recommended to you?

A That he was -- he was a political consultant and he had done work for other folks in

Savannah.

Q How many times did you speak with Mr. Morris during this petition gathering?

A About three times.

Q Did he turn in petitions to you? Tell the Board sort of how the petition signature gathering occurred as you know it.

A Okay. What happened is I told him that I would pay for signatures -- for good signatures on the petition. I didn't tell him where to go, except I gave him the map. I also asked him to just collect signatures and bring them back to me.

Q So did he bring the petitions back to you then?

A Yes, correct.

Q He brought all of them -- he brought --

A He brought most of them back to me, yes.

Q When he brought them to you, were they notarized?

A Yes.

Q So he had gotten them notarized and said, "Here, you go turn them in to the Board of Elections"?

A That's correct. Yes.

Q Did you ever meet any of the people that he worked with, some of the people he hired to help?

A No. I knew that he had, I think, three young ladies and a young man, I think. I met them once and I didn't really have a conversation with them.

Q So do the names Alexia Williams or Kim Ross ring any bells?

A Yes.

Q Tell me -- what do you know about them?

A I know who they are and I know that they circulated the petitions.

Q They circulated petitions?

A Yes.

Q Were you aware or did you ever hear anything, was there any suspicion raised during this period that Mr. Morris or some of these people helping him might obtain these signatures by writing them themselves or somehow obtaining forgeries?

A No. I had no knowledge of that.

Q When did you first learn that there might be forgeries on the petitions?

A After it was already sent out. The Elections Board had certified my candidacy and probably two weeks, three weeks later I got a notice that some of the signatures were forged.

Q Now, in terms of the petition that you circulated, there was a woman named LaRue Woods. (Tendered) If you want to turn to page 49, line nine --

SECRETARY KEMP: Ms. Brumbaugh, if you don't mind, would you say, for the record, what you just handed Mr. Osborne.

MS. BRUMBAUGH: I'm sorry. I handed Mr. Osborne a packet of some of the petitions, the petitions where we did find forgeries on them. So he's reviewing -- I'm asking him to review the one alleged forgery on the petition that he circulated.

Q Mr. Osborne, are you on page 49?  
A Yes, ma'am.  
Q Are you looking at line nine?  
A Yes, ma'am.  
Q Do you see LaRue Woods' signature there?  
A Yes.  
Q Okay. Do you remember obtaining her signature?  
A No, I do not.  
Q Are you aware that she claims that she did not sign your petition?  
A No. I am not aware of that.  
Q When you went -- when you obtained your signatures on the petitions you circulated, how did you do it?  
A I went door to door. I spoke to the folks and had them sign in my presence.  
Q Did you ever do it at a mall or a park?  
A No.  
Q When you submitted your petition, if you just want to look at that page, page 49, the back of it, it's got your signature on an affidavit, which is notarized by a woman named Joyce Humphry.  
A Yes.  
Q Did you sign that petition in Ms. Humphrey's presence?  
A Yes, ma'am.

MS. BRUMBAUGH: I don't have any other questions of Mr. Osborne.

SECRETARY KEMP: Any other questions from the Board?

(NO RESPONSE)

SECRETARY KEMP: All right, very good. The next witness, Ms. Brumbaugh. Mr. Harvey, could you come up here?

MS. BRUMBAUGH: Mr. Osborne, you can take a seat. We would next call Alexia Williams. Is Alexia Williams here?

(NO RESPONSE)

MS. BRUMBAUGH: Ms. Williams' subpoena was returned. We do not have a good address for her. I did not expect her to appear here today. We will move on to Kim Ross. Is Kim Ross here?

MS. ROSS: Right here.

MS. BRUMBAUGH: Ms. Ross, could you come up, please.

SECRETARY KEMP: Ms. if you would just give us your name and address, for the record.

MS. ROSS: Kim Ross, 1338 Cloverdale Drive, 31405.

SECRETARY KEMP: If you will raise your right hand, I'm going to swear you in.

(WITNESS SWORN)

SECRETARY KEMP: Thank you. Ms. Brumbaugh.

**KIM ROSS, SWORN**

**EXAMINATION BY MS. BRUMBAUGH:**

Q Good afternoon, Ms. Ross?

A Hello.

Q (Tendered) Ms. Ross, I've handed you a packet of nomination petitions and we'll be going through those in a minute. In fact, let's start with that. I would like you to turn to page 25. If you could look at lines ten and 11 for me. That's Thomas Hanaford and Etta Hanaford.

A I see it.

Q Do you remember, do you have any specific recollection of obtaining Thomas and Etta Hanaford's signatures?

A This is on Mall Boulevard?

Q That's what it says.

A I didn't do that route.

Q You didn't do that route?

A No.

Q Okay. Well, if you turn back on 25, that's your name on that affidavit, isn't it?

A I can explain that.

Q Okay. Please do so.

A Well, we did it twice. I can't tell you which district and which location. I can explain on Saturday what happened.

Q Well, right now I would like you to explain how you're claiming, on page 25, that you did not obtain Thomas and Etta Hanaford's signatures when your signature is on that.

A I explained that to you on the telephone.

Q I went -- well, I've never spoken to you. So you explain it to the Board.

A Well, if I'm correct, because I just had came there as a substitute.

SECRETARY KEMP: As a substitute for?

A Yes. Mr. Morris came to my church and told my pastor that the one who was originally was going it was out of town. And he needed someone to substitute.

SECRETARY KEMP: So you're testifying that you were filling in for someone else?



A Yes. If this is the same person, he didn't show that day. I don't remember who. I know it was on a holiday. So I'm not sure it was this route or the President side. If this is showing Mall Boulevard, we didn't do it. I did President -- I mean, I did Wilmington Island and then we swung back over there towards Skidaway Island side. If this is the same one, then we went over there by Skidaway, by Kentucky Fried Chicken. He had Mr. Morris to meet him. There was a group of us there. He said before we could get paid, we had to sign these petitions. And he had the notary sitting right there. So he handed me a stack of paper, handed Alexia a stack of paper, and he said we had to sign them; Mr. Osborne.

SECRETARY KEMP: He said you had to sign them?

A We had to sign them. The notary was sitting right there. So, as far as I know, I didn't know what was going on until just now. This is the first I've heard of this.

Q So it's your testimony that you were handed some petitions, with signatures on them, that you did not collect --

A I did not collect.

Q -- and yet you signed the affidavit in order to get paid?

A I was doing what I was instructed. He said he could pay him and we could get paid, that we just had to sign the back of it. He didn't tell us what the back of it was for. The notary would notarize it. It had to be notarized. Like I said, I had just came in. I never did one of these before. You know, someone hands you a stack of papers and says "Sign this and you can get paid. You've got to do this." So that's what I did.

Q So, is it your testimony today, that all 11 signatures on page 25, which are all from Mall Boulevard --

A I didn't do. I only did Wilmington Island and off of Montgomery Crossroads. Those are the only two. I went door to door and did petitions.

Q Do you recall how many petitions you signed?

A Very little.

Q I'm sorry?

A Very little because it was a holiday.

Q How many petitions --

A Not many.

Q So how many would that be?

A I couldn't tell you. They just handed me a stack and said we had to sign them.

Q Okay. I'm going to go through, if you want to look at page 24, page 24 there are signatures from Easy Street, Laurelwood Avenue, Driftwood Avenue, Tara Call, Center Landing, and Richard Avenue. Is it your testimony today that you did not obtain any of those signatures?

A I don't even know where they are.

Q We'll go to page 26. Again, these look like Mall -- these are all Mall Boulevard signatures. You were not on Mall Boulevard?

A No.

Q Yet you signed the back of 26?

A Like I said, I had just started. I was just picked up for the church and asked to come. This is new to me. I don't know anything about elections.

Q Okay. Look at page 28. Page 28, Abercorn Street, Arrow Street, Atwood Street, Chippewa Drive. Helen Warren, that was a forgery, line seven. Did you go to Chippewa Drive and obtain Helen Warren's signature?

A No. I said I only went to Wilmington and off of Montgomery Crossroads.

Q And finally pages 39 is more Mall Boulevard. So if I told you that on page 20 -- again on page 25, number one, Theron Conner, who is deceased before -- in 2007, I believe -- if I told you that, you cannot explain to us how Theron Conner's signature appears on this?

A No.

Q Tell us the details about how you were hired by Edward Morris?

A Well, like I stated before, some of the young ladies that he helped, that helps out at Savannah State, they went home for holidays, so he came to the church and I was there. I volunteer all the time at the church.

Q Did he discuss work -- did you ever hear any discussions about forgeries? Did you hear anybody --

A No.

Q -- talking about forgeries?

A No. I later learned Alexia, from previously helping him, later, but I didn't know anyone.

Q You previously told the investigators in the case that there were three other individuals circulating petitions with you.

A Yes.

Q And one of them was named Alexia?

A Yes.

Q So Alexia was or was not circulating petitions with you?

A She was circulating. She was over us. She told us what to do, through Mr. Morris. She told us to go door to door and explained what we were doing, to have them to write the name down and get the signature.

Q Did Alexia suggest any forgeries?

A No, never.

Q Was Alexia with you when you were handed a bunch --

A Yes.

Q Did Alexia also sign petitions?

A Yes, that she didn't do.

Q Do you remember who the notary was that notarized all these documents?

A No, I don't.

Q Was it a man or a woman?

A It was a woman.

Q Besides Alexia, who else did you work with?

A Like I said, I only knew Alexia because of working with her. But other than Alexia, it was just -- the only one I know was Alexia.

Q How many days did you go out circulating petitions?

A One day.

Q Did you then sign all the other petitions that same day or was that a different day than the day you circulated the petitions?

A I was the same day.

Q So you only spent one day working on Mr. Osborne's campaign?

A Yes.

MS. BRUMBAUGH: I don't have any other questions. Thank you.

SECRETARY KEMP: Mr. Worley?

MR. WORLEY: The notary who witnessed your signature on that day, were they white or black?

A White.

MR. WORLEY: Can you describe them?

A No, I can't. The only thing I know she was a little thick. That's all I remember.

MR. WORLEY: A little thick?

A Yes.

MR. WORLEY: Do you remember her hair color.

A No.

MR. WORLEY: Do you remember if she was young or old?

A She was -- I think she might've been in her 50s or 60s.

MR. WORLEY: And you were there with Ms. Williams and the notary and who else was there, at that time?

A Mr. Osborne, his wife, and I believe one -- it was at one of his in-law's house or someone's house, but I know it's off of Skidaway, behind Kentucky Fried Chicken.

MR. WORLEY: No further questions.

SECRETARY KEMP: Mr. Simpson?

MR. SIMPSON: You kept saying he gave you the petitions. Who gave you the petitions?

A Mr. Osborne each -- gave each of us a stack of petitions and said we had to sign them.

MR. SIMPSON: Do you know where the petitions came from?

A No, because he just said "sign these in order to get paid."

MR. SIMPSON: What did you do with the petitions that you circulated before this meeting?

A Before the meeting, I gave them to Mr. Morris.

MR. SIMPSON: Then did you ever see them again?

A Yes. We all went over to Mr. Osborne, where he was at, and he divided up what he had.

MR. SIMPSON: So you gave your petitions to Mr. Morris?

A Yes.

MR. SIMPSON: He gave them to Mr. Osborne?

Yes.

MR. SIMPSON: And then Mr. Osborne gave you a stack for you to sign?

A Yes.

MR. SIMPSON: And were any of the petitions that he gave you the ones that you circulated?

A No. He mixed them all up. He just put them all together in one stack and just divided them up.

MR. SIMPSON: Did he do the same thing with all of the other people that were there?

A Yes. Every one got them.

MR. SIMPSON: He just gave everybody a stack?

A Yes.

MR. SIMPSON: Do you know how many were in your stack?

A No. Like I said, it was about that thick. That's all. I don't know.

MR. SIMPSON: Thank you.

SECRETARY KEMP: Any other questions?

(NO RESPONSE)

SECRETARY KEMP: Ms. Ross, I have a couple of questions for you. The sheets that you were given that day, do you know who collected those signatures before you got those sheets?

A (Shook head)

SECRETARY KEMP: That's a no, correct?

A No.

SECRETARY KEMP: And your testimony was that Alexia Williams was kind of like the project manager for this. She was in charge, so to speak, of this effort?

A Yes. She was over us because Mr. Morris had explained to her what to do and she has helped Mr. Morris in the past.

SECRETARY KEMP: Do you know where she is now?

A No. I haven't spoken to Alexia in over a year.

SECRETARY KEMP: Any other questions?

(NO RESPONSE)

SECRETARY KEMP: Thank you for being here today. Mr. Harvey?

MR. HARVEY: Yes, sir.

SECRETARY KEMP: I have one question. What is the status of Mrs. Osborne? Have we interviewed her?

MR. HARVEY: No, sir. I don't believe we've interviewed her. I don't know that her name has come up as being a party to this.

SECRETARY KEMP: Well, I believe, if I'm correct, did we not just hear testimony that she was there the day all this was going on?

MR. HARVEY: I believe this is the first time we heard that. That was -- Investigation Fione (phonetic) interviewed Ms. Ross and, during the investigation, that was not brought up. It was not disclosed at that time.

SECRETARY KEMP: Okay. Thank you.

MS. BRUMBAUGH: I would like to call Joyce Humphrey. Is Ms. Humphrey here?

SECRETARY KEMP: Ms. Humphrey, if you don't mind, give us your name and address for the record.

MS. HUMPHREY: Joyce Humphrey, 2304 East 39th Street, Savannah, Georgia 31404.

SECRETARY KEMP: If you would just raise your right hand, I'm going to give you the oath.

(WITNESS SWORN)

**JOYCE HUMPHREY, SWORN**

**EXAMINATION BY MS. BRUMBAUGH:**

Q Good afternoon, Ms. Humphrey. Ms. Humphrey, were you the -- your signature appears on the petitions that I went over with Ms. Ross. Do you remember notarizing petitions that Ms. Ross was signing?

A No. I'm not saying I didn't sign them if Ms. Ross came to my house. And there were three or four ladies. I saw their driver's license. They verified it was their signature and I notarized their signature.

Q I see. Do you remember who those ladies were?

A No.

Q Did Ms. Ross look familiar with you?

A No.

Q Your signature appears on other -- as notary on petitions circulated by other people as well. I'm going to list some names from you and you can tell me if you remember notarizing their signatures.

A Okay.

Q The first one is Betty Powell?

A Yes.

Q You did notarize Betty Powell?

A Yes.

Q Did you notarize it in the presence of Ms. Powell? Did she sign it in your presence?

A She signed it in my presence.

Q How about her husband Richard Powell?

A He signed it in my presence.

Q Jason Smith?

A He signed it in my presence.

Q Orlando Santo (phonetic)?

A I don't know.

Q David Osborne?

A He signed it in my presence.

Q Carrie Parker?

A Not familiar.

Q Kim Ross? I just asked about her.

A I don't know.

Q You don't remember Ms. Ross?

A No, I do not know Kim Ross.

Q Alexia Williams?

A No.

Q Jeff Rahno?

A Yes.

Q Jeremy Shienbart?

A Yes.

Q And Sandra Shirley?

A Yes.

Q Ms. Humphrey, do you remember speaking to an investigator from the Secretary of State's Office of this case?

A Yes.

Q Do you remember telling the investigator that actually John McMasters, who, I believe, is your son-in-law?

A That's correct.

Q That John McMasters brought all of the petitions to you that were pre-signed.

A I'm sorry. I did not say that.

Q Well, did you say something that could have led the investigator to understand that that was the facts of this case?

A I told him that I was not sure that I -- if I had not seen someone sign the paper, that I did call them on the phone and ask them did they want me to witness their signature.

Q So who did you call, on the phone, and ask that?

A I'm sorry. I don't remember.

Q Well, when we went through all these names, let me ask you again, did they sign in your presence or were they pre-signed and brought to you?

A I don't remember.

Q Well, a minute ago, we went through these names pretty specifically and you said yes, they were -- they signed in presence.

A The ones I remembered, I said yes to. The ones I did not remember, I said I did not know.

Q Okay. Well, let me ask another questions. Were there petitions that were brought to you by John McMasters that were already signed?

A Yes.

Q Do you remember whose signatures those were?

A No.

Q What did you do when you found pre-signed petitions?

A I called those people and asked them would they like me to notarize their signature, that I had a petition signed by them and did they want me to notarize their signature. They said yes and I notarized it.

Q Did they come to you and --

A No, ma'am. I've said that twice. I talked to them on the phone. I did not see them.

Q And just so I'm clear, the names I went through, you said the Powells, Jason Smith, David Osborne, Jeff Rahno, Jeremy Shienbart, and Sandra Shirley, did those people sign in your presence or did you have a conversation with them?

A Okay. Jeff, Shirley and Jeremy I talked to. I know them personally.

Q What about the Powells, Jason Smith, and David Osborne?

A Yes. They signed in my presence.

Q Do you have any knowledge, from these conversations or talking with John McMasters, any -- any knowledge about potential forgeries on any of these petitions? Did you ever hear anything about that?

A No.

MS. BRUMBAUGH: I don't have any other questions.

SECRETARY KEMP: Any other questions? Mr. Simpson?

MR. SIMPSON: We have a document in our file that says that John McMasters brought all of the petitions to you. Is that true?

A No.

MR. SIMPSON: It's not?

A Well, he brought them, but he brought people with him.

MR. SIMPSON: And then the statement goes on to say none of the other petition circulators signed petitions in her presence, which indicates that you signed -- that John McMasters signed his petition in your presence, but the rest of them did not.

A That is not what I said.

MR. SIMPSON: So that's incorrect.

A That's incorrect.

MR. SIMPSON: Thank you.

SECRETARY KEMP: Any other questions?

(NO RESPONSE)

SECRETARY KEMP: Anything else, Ms. Brumbaugh?



MS. BRUMBAUGH: No.

SECRETARY KEMP: Thank you, Ms. Humphrey. Ms. Brumbaugh, if you don't mind, I would like to recall Ms. Ross.

MS. BRUMBAUGH: Certainly. Ms. Ross, can you come back?

SECRETARY KEMP: Ms. Ross, let me just remind you that you are still under your previous oath. Do you recognize Ms. Humphrey as the one who notarized the petitions?

MS. ROSS: After seeing her now, yes.

SECRETARY KEMP: Thank you. Any other questions? Mr. McIver?

MR. McIVER: How were you paid by Mr. McMasters?

MS. ROSS: I was paid by Mr. Morris.

MR. McIVER: I'm sorry, by Mr. Morris.

MS. ROSS: Well, he paid us just what he wanted to pay us. We didn't have a set price.

MR. McIVER: Well, what were you paid?

MS. ROSS: Fifty dollars.

MR. McIVER: For everything that you did?

MS. ROSS: But I didn't work but one day.

MR. McIVER: Do you know if that \$50 was for so many signatures or just your total pay?

MS. ROSS: I really don't know.

MR. McIVER: No other questions.

SECRETARY KEMP: Any other questions?

(NO RESPONSE)

SECRETARY KEMP: Ms. Brumbaugh.

MS. BRUMBAUGH: Lynette DelSanto?

(NO RESPONSE)

MS. BRUMBAUGH: Ms. DelSanto's subpoena did not come back. There was no mail, so we may have a bad address on her. April Hayes?

(NO RESPONSE)

MS. BRUMBAUGH: April Hayes's subpoena did not return either, so it may be a bad address on her. Carrie Parker did receive our subpoena, but she is in Tennessee, so she is outside of our subpoena power. If the Board wants myself or Mr. Harvey to depose her, then that's certainly something we can talk about at the end of this hearing. Betty Powell?

SECRETARY KEMP: Ms. Powell, if you will, just state your name and address, for the record, and I'll swear you in.

MS. POWELL: Betty Powell, Salcedo Avenue, Savannah, Georgia.

SECRETARY KEMP: If you would just raise your right hand.

(WITNESS SWORN)

SECRETARY KEMP: Thank you. Ms. Brumbaugh.

**BETTY POWELL, SWORN**  
**EXAMINATION BY MS. BRUMBAUGH:**

Q Good afternoon. Ms. Powell, can you tell the Board your involvement in David Osborne's nomination petition case?

A We were --

SECRETARY KEMP: If you would, just pull that down.

A -- given some petitions and asked if we -- we were explained that David wanted to be a candidate. And we knew him as a Christian man, someone we would love to have as a politician in our city. And we said of course we would circulate petitions because he was a fine man and would love to see him on the board.

Q Did you talk to Mr. Osborne yourself or were you going through an intermediary?

A We got the petitions from someone else. But we talked to him on Wednesday night at church. We all go to the same church and when we saw him, "Hey, guess what we're doing? We've got some petitions for you."

Q Who gave you the petitions?

A I'm pretty sure I got them from Joyce Humphrey. We're all in the same organization and she had them there at the organization.

Q Who did you work with besides David Osborne and Joyce Humphrey? Who else

did you come in contact with on this -- when you were circulating the petitions?

A I don't quite understand. My husband and I walked around the neighborhood and got names. Is that what you mean?

Q Well, let me -- I'll be a little more specific. Did you ever deal with Edwin Morris?

A Oh, no.

Q Did you ever deal with Alexia Williams?

A No.

Q Did you ever deal with Kim Ross?

A No.

Q Through this process, did anything ever come to your ears regarding that some people might be obtaining forgeries?

A Never. We didn't know anything that was even going on until we received a letter in the mail from whomever.

Q Did you sign your petitions in front of Joyce Humphrey?

A Yes. She was at my house.

MS. BRUMBAUGH: I don't have any other questions.

SECRETARY KEMP: Any other questions for Ms. Powell? When did you -- I'm sorry. I have one question for you. When did you receive your letter?

A It's been a couple of years ago now, the first one. And then I got the subpoena.

SECRETARY KEMP: Any other questions?  
(NO RESPONSE)

SECRETARY KEMP: Thank you for being here today. Ms. Brumbaugh.

MS. BRUMBAUGH: We would next call Richard Powell.

SECRETARY KEMP: Mr. Powell, if you would, just state your name and address for the record.

MR. POWELL: I'm Richard Powell. 2617-A Salcedo Avenue.

SECRETARY KEMP: And if you would, just raise your right hand. I'm going to give you the oath here.

(WITNESS SWORN)

SECRETARY KEMP: Thank you, sir. Ms. Brumbaugh.

**RICHARD POWELL, SWORN**  
**EXAMINATION BY MS. BRUMBAUGH:**

Q Good afternoon.

A Good afternoon.

Q Mr. Powell, did you sign a petition that was circulated by Hazel Cullum?

A Yes, I did. I got the petition and gave it to her.

Q Can you explain to the Board why you would circulate (sic) a petition that you did not circulate yourself? Why you would sign the affidavit on that?

A Well, I got the petition from Hazel and I felt that I had participated in getting the signatures and I recognized a lot of them from my church.

Q Why not have Ms. Cullum sign the affidavit?

A She got it to me and asked if I would turn it in. And I didn't know what she had done on them.

Q Did you help Ms. Cullum walk around and get signatures?

A I did not help her walk around. I did talk to people at church that they would have talked to.

Q Were you with her when she was obtaining signatures?

A No.

Q So did Ms. Cullum just hand you the petition without signing the back of it? Is that what happened?

A She handed it to me. I did not realize it had not been signed by her until I got ready to turn them in.

Q Did you not think to go back and get her signature?

A I did not do that.

Q Did you ever work with Kim Ross?

A I don't know that person.

Q What about Alexia Williams?

A I don't know that person.

Q Edwin Morris?

A I don't know that person.

Q In the course of your involvement in this, did you ever hear anything about possible forgeries appearing on some of these petitions?

A No, not in the time it was going on.

Q Did you sign the petition in front of Joyce Humphrey?

A I did sign -- you say "the." I signed some in front of Joyce.

Q The ones that you circulated?

A Yes.

Q Did you sign anyone else's?

A I absolutely did not forge anybody's signature, absolutely not.

Q Are there any other petition, like Hazel Cullum's, where someone else circulated it and you signed it?

A No.

MS. BRUMBAUGH: I don't have any other questions.

SECRETARY KEMP: Any questions for Mr. Powell from the Board?

(NO RESPONSE)

SECRETARY KEMP: Thank you, Mr. Powell.

MS. BRUMBAUGH: We would next call Jason Smith.

SECRETARY KEMP: Mr. Smith, if you don't mind, if you would just give us -- state your name and address for the record and then I'll swear you in.

MR. SMITH: Jason Smith, 112 East 60th Street, Savannah, Georgia 31405

SECRETARY KEMP: All right. Thank you. If you would raise your right hand.

(WITNESS SWORN)

SECRETARY KEMP: Thank you. Ms. Brumbaugh.

**JASON SMITH, SWORN**

**EXAMINATION BY MS. BRUMBAUGH:**

Q Mr. Smith, Good afternoon. Could you tell the Board what your involvement -- how you got involved with Mr. Osborne's nomination petition campaign?

A Mr. Osborne himself spoke to my wife, Karen. He was an independent and he needed -- by gathering the names, if he got enough of them, he would be allowed to be on the ballot. So since we don't drive, my wife and I, we went down 60th Street, up and down, which is about eight blocks. And when I got to the -- I left the house, Karen, she is in a wheelchair. I would go to the house it said on the list, who it was, and I would give them the list and I would say, "Are you a voter?" And if they said yes, I would continue on and say, "We're gathering names." And if they said, no I would say "Thank you very much," and "please make sure you register to vote in the next election," and then we would continue on.

Q How do you know Mr. Osborne?

A My wife is -- I forget names.

Q The man whose petition you were circulating on behalf of?

A My wife said that we were supposed to go to a meeting.

Q So did you or your wife know him before this or did you just meet him at the --

A My wife knew him before this.

Q We'll ask her about that. Do you know Edwin Morris?

A No, ma'am.

Q Did you know Alexia Williams?

A No, ma'am.

Q Did you know Kim Ross?

A No, ma'am.

Q Did you ever hear anything about forgeries while working on this campaign, anything that some people were, instead of getting signatures, that they were --

A Yes.

Q You did?

A My wife and I had heard that because it was late -- late in the gathering, some people had been hired to gather names by signature. They were paid by signature. We were not. We were told to gather signatures and we got signatures.

Q Okay. So you heard because it was late in the game people were hired to gather signatures?

A That's what we heard.

Q Did that then translate to people were forging signatures? I mean, I asked if you heard about forgeries and you told me you heard about people being hired. My question is, what is the link between those two?

A I don't know.

Q Well, let me try to ask -- so you understood that people were hired to get the proper number of forged signatures --

A Some people were hired to gather names and because we heard they were hired to gather names, they gathered them.

Q So, at the time, did you think that the people who were hired, did you think that they were forging names, at the time? Not now, not --

A At the time, I think we did.

Q What made you think that?

A I don't know. My wife and I were just discussing this.

Q I recognize it's been three years, so --

A Four years.

Q Well, I think it's only three. Who told you about this, the hiring of the people?

A I don't know.

Q You don't remember.

A No.

Q Outside of this conversation about people being hired, was there anything else that you heard or saw or knew about suggesting that forgery was going on?

A Not at all.

Q Did you ever follow up, once you heard that, you know, people had been hired and oh, wow, maybe that means they're forging signatures, did you ever do anything with that information? Did you ever ask anybody? Did you ever look into anything?

A My wife and I discussed it and, no, ma'am, we didn't discuss it beyond that with anybody outside of us.

Q Did you sign your petition that you circulated, did you sign them in the presence of Joyce Humphrey?

A Yes, I did.

MS. BRUMBAUGH: I don't have any other questions?

SECRETARY KEMP: Any other questions for Mr. Smith?

(NO RESPONSE)

SECRETARY KEMP: Thank you for being here today, Mr. Smith.

MR. SMITH: Thank you. Mr. Worley needs to address the Board.

MR. WORLEY: Thank you, Mr. Chairman. I've been a member of this Board for more than seven years and I feel like I've been very diligent in my duties. I've only missed one other -- one meeting during all that time, which was the February meeting where this matter first came up.

I regret that I am going to have to leave now, at this point in the hearing, and return to Fayette County because my son is a graduating high school senior and I have to attend his baccalaureate service tonight. So I apologize to the members and the respondents for not being able to stay for the rest of the hearing. If my presence was needed for a quorum, I would definitely stay. You can be sure that I am going to be reviewing the transcript of this matter very carefully. And I have every confidence that this matter is going to be before the board at a later date. And I will be have an opportunity to weigh in, at that time.

Again, I'm sorry I can't stay longer. As I just said, I've been on the Board seven years and this matter is the one that I would actually most like to stay and hear. But I'm going to take it very seriously and weigh all the evidence. I will participate with the Board at a later date.

SECRETARY KEMP: Thank you, Mr. Worley. We appreciate your service. I know you made great efforts to get here today and to get back tonight. Certainly we congratulate your family and your son. We wish you safe travels. Let the record reflect that Mr. Worley is now departing. Ms. Brumbaugh.

MS. BRUMBAUGH: Our next subpoenaed individual would be Hazel Cullum. Hazel Cullum is here.

SECRETARY KEMP: Welcome. If you would, just state your name and address for the record and I'll swear you in.

MS. CULLUM: Hazel Cullum, 8 Wymberly Way, Isle of Hope, Savannah, Georgia 31406.

SECRETARY KEMP: Ms. Cullum would you spell your last name for us.

MS. CULLUM: C-U-L-L-U-M.

SECRETARY KEMP: If you would, just raise your right hand.

(WITNESS SWORN)

SECRETARY KEMP: Thank you, ma'am. Ms. Brumbaugh?

**HAZEL CULLUM, SWORN**

**EXAMINATION BY MS. BRUMBAUGH:**

Q Good afternoon, Ms. Cullum.

A Good afternoon.

Q Now, Ms. Cullum, we just spoke with Mr. Powell who said that you circulated a petition, but you didn't sign it.

A Correct.

Q You let him sign it.

A Because I had signed his petition, so I knew not to sign twice. Was I right?

Q You signed his petition as the circulator?

A I brought his petition that he was circulating and I signed it, because I live in that district. And then he gave me --

Q Let's make sure that the question is clear. You signed Mr. Powell's petition. You signed on the front?

A On the front.

Q Not on the back?

A Not on the back.

Q You didn't sign it saying, "I circulated this petition"?

A Oh, no.

Q You signed as someone who supported the nomination?

A Correct.

Q Okay. And so you felt that you could not then sign the petition that you circulated?

A Correct.

Q Now, what led you to either sign a nomination petition or circulate one knowing that you had done the other?

A I did not know I was going to circulate one, at that time.

Q How did you circulate the petition?

A Richard Powell brought me his paper to sign, I was sitting in Sunday School class and I signed his paper. And before I signed, I said, "I don't know Mr. Osborne." And he explained that he was a member of our church and that -- he told me things about him. And so that's when I signed Richard's circulating paper. And then, he gave me a sheet and asked me since I lived at Isle of Hope, in the district, asked me if I would circulate one and I said "I'll be happy to."

**SECRETARY KEMP:** Ms. Brumbaugh, if you don't mind, when you say "he," you're referring to Mr. Powell?

A Yes.

**SECRETARY KEMP:** Thank you.

A We've been friends for many years and we're all in the same church.



SECRETARY KEMP: Thank you.

Q Where did you circulate the petition that Mr. Powell gave you to circulate?

A My neighbors at Isle of Hope and a few others at church who are in our district. So they were all legitimate signatures.

Q So you walked around the neighborhood --

A Yes, I did.

Q -- and you brought it to church?

A Yes, I did, right by myself.

Q Okay. Did you ever hear anything, in the course of this petition process, that made you think that some signatures might be obtained by forgery

A I did not.

Q Did you ever meet or work with Edwin Morris?

A No.

Q Alexia Williams?

A No.

Q Kim Ross?

A No.

MS. BRUMBAUGH: I don't have any other questions.

SECRETARY KEMP: Mr. McIver?

MR. McIVER: Ms. Cullum?

A Yes.

MR. McIVER: I have a couple of difficult questions that I need to ask you. I want you to know that I mean them in the most respectful way. Is your attorney, Mr. McCorkle, here today?

A No. He's my son-in-law. He said, "You're on your own."

(LAUGHTER)

MR. McIVER: Perhaps I should just stop right there. That's the reason I don't represent my 92 year old mother.

A Exactly. Thanks for not doing that.

MR. McIVER: We have to struggle always with an issue that lawyers refer to as the competency of the witness. Your son-in-law, perhaps not using the best of terms, said in a letter to us last week that you would not be able to appear here today and that your mental and physical faculties have further declined and it's his opinion that you're in the early stages of dementia. I mean this in the most respectful way, but we need to know --

A That's what he thinks about his mother-in-law.

(LAUGHTER)

SECRETARY KEMP: Hold on just one second now. We've got to make sure that we're orderly so that our reporter, our court reporter, the person doing the transcript and recording everything that's being said here, so go right ahead.

MR. McIVER: Well, Mr. Chair, I'm getting ever deeper in this hole. I do have to pursue this point. Would you give us your opinion, ma'am, of your mental acuity? Do you understand, as best you know, unlike perhaps what your son-in-law refers to in this letter?

A I had my 83rd birthday yesterday and I remember everything. I remember it all.

MR. McIVER: When is your birthday?

A May 23, '28.

MR. McIVER: When were you married?

A In '49.

MR. McIVER: Do you remember that date?

A Of course.

MR. McIVER: Would you share that with us?

A Pardon?

MR. McIVER: Will you tell us the date you were married?

A I married on June 25th, 1949.

MR. McIVER: And the name of your husband?

A Hank Cullum, Henry A. Cullum. He's been in heaven for 15 years.

MR. McIVER: I know you look forward to joining him.

A I really do.

MR. McIVER: Mr. Chairman, I'm getting out of this hole now. I hope that Ms. Brumbaugh and perhaps others are satisfied that despite what your son-in-law says, there is no issue of

competency.

SECRETARY KEMP: Any other questions?

(NO RESPONSE)

SECRETARY KEMP: Ms. Cullum, thank you for being here. It's been a pleasure. Ms. Brumbaugh.

(APPLAUSE)

MS. BRUMBAUGH: We would next call Steven Bell.

SECRETARY KEMP: Mr. Bell, just give us -- state your name and address for the record and I'll swear you in.

MR. BELL: My name is Steven Bell. I'm at 204 Stonebridge Lane, Savannah, Georgia 31410.

SECRETARY KEMP: If you would, just raise your right hand.

(WITNESS SWORN)

SECRETARY KEMP: Thank you. Ms. Brumbaugh.

**STEVEN BELL, SWORN**

**EXAMINATION BY MS. BRUMBAUGH:**

Q Good afternoon, Mr. Bell.

A Good afternoon.

Q Now, Mr. Bell, you worked with -- you just notarized the petitions?

A Correct.

Q You didn't circulate any petitions?

A No, ma'am.

Q Did you notarize petitions in the presence of the affiant?

A Yes. The affiant being David Osborne. Yes, ma'am.

Q Is that the only person whose petitions --

A Yes, ma'am. Yes, ma'am.

Q Did you know Edwin Morris?

A No, ma'am.

Q Did you know Alexia Williams?

A No, ma'am.

Q Did you know Kim Ross?

A No, ma'am.

Q How did you get involved with this petition campaign?

A David Osborne goes to my church.

Q In the course of the petition campaign, did you hear anything about forgeries?  
A No, ma'am.

MS. BRUMBAUGH: I don't have any other questions.

SECRETARY KEMP: Any other questions?  
(NO RESPONSE)

SECRETARY KEMP: Thank you, Mr. Bell. Mr. Bell, let me ask you one question, if you don't mind. What's your thoughts on Mr. Osborne's condition?

A What's my thoughts on his condition? I don't think that we need to go much further. I think it needs to be closed myself. The case needs to be closed.

SECRETARY KEMP: Thank you. Ms. Brumbaugh.

MS. BRUMBAUGH: We would next call Leonard Childs.

MR. CHILDS: Leonard Childs, 12 Harlan Drive, Savannah, Georgia 31405.

SECRETARY KEMP: Thank you, Mr. Childs.

(WITNESS SWORN)

SECRETARY KEMP: Thank you, sir. Ms. Brumbaugh.

**LEONARD CHILDS, SWORN**  
**EXAMINATION BY MS. BRUMBAUGH:**

Q Good afternoon, Mr. Childs.

A How are you doing?

Q I'm good thank you. How are you? Could you tell the Board your relationship with Mr. Osborne and how you got involved with his campaign?

A I've known Mr. Osborne for a number of years. How many, I don't care to think about. I think Mr. Osborne indicated to me that he was wanting to run for election. I asked if I could be of any help or any assistance and it went from there. I think he asked me to help him with a petition drive.

Q So what did you do in his campaign?

A Excuse me?

Q In his petition drive, what did you do?

A I -- I was a circulator. I circulated a petition for him.

Q Your son, Michael, notarized your petition; is that right?

A That's correct.

Q He lives in Athens, right?

A That's correct.  
Q Did you take anybody else's petitions to be notarized? Were you responsible for getting any other petitions notarized?  
A No.  
Q Did you work with anybody else on this -- in circulating that day?  
A No. It was over a number of days.  
Q But you did it on your own?  
A Yes.  
Q Did you ever meet or become involved with Edwin Morris?  
A No.  
Q Alexia Williams?  
A No.  
Q Kim Ross?  
A No.  
Q Did you hear anything about forgeries in this petition campaign?  
A Not at all.

MS. BRUMBAUGH: I don't have any other questions.

SECRETARY KEMP: Any other questions?

(NO RESPONSE)

SECRETARY KEMP: Thank you, Mr. Childs.

MR. CHILDS: I would like to thank the Board for taking this action and looking into this matter. You all should be commended for your actions. It's been a long day, but we, all of us, appreciate your attention. Thank you.

SECRETARY KEMP: We appreciate you showing up today. It means a lot to us. Thank you. Ms. Brumbaugh.

MS. BRUMBAUGH: We would next call Michael Childs, but he, living in Athens, is outside the subpoena power. He was the notary who notarized his father's petition. John McMasters. Is John McMasters here?

(NO RESPONSE)

MS. BRUMBAUGH: My understanding is Mr. McMasters did return his subpoena -- return the certified receipt regarding the subpoena.

SECRETARY KEMP: So he returned saying he was going to be present?

MS. BRUMBAUGH: We're checking. Yes, we have -- yes, we have a certified receipt signed by

John McMasters. I would move this into the record for the Board's consideration. The signature is almost identical to the signature on some of the petitions. That's why I feel comfortable that is Mr. McMasters. So I would like to move this certified receipt --

SECRETARY KEMP: Do we need to move to accept or can we accept?

MR. McIVER: I'll move to accept it.

MR. SIMPSON: Second.

SECRETARY KEMP: We're got a motion and a second to accept the subpoena from Ms. Brumbaugh into the record. All in favor, signify by saying aye.

BOARD MEMBERS: Aye.

SECRETARY KEMP: All opposed, same sign.

(NO RESPONSE)

SECRETARY KEMP: The motion carries and the document is accepted.

MR. McIVER: If you will verify he is not here, I have another question.

SECRETARY KEMP: I can verify that. Mr. McMasters? Last call.

(NO RESPONSE)

SECRETARY KEMP: Mr. McIver?

MR. McIVER: Ms. Brumbaugh, as our representative from the legal department, if we have the power to subpoena through your offices, do we have contempt powers?

MS. BRUMBAUGH: We have to apply to Superior Court. The process would be that we go to Superior Court. We would request an order from Superior Court to attend another hearing. We would ask him back for another hearing. If Mr. McMasters failed to honor that court order from Superior Court, then we would apply to Superior Court for a contempt.

MR. McIVER: So the Court would have to do that?

MS. BRUMBAUGH: That's correct.

SECRETARY KEMP: Can you tell us Mr. McMasters' role in this.

MS. BRUMBAUGH: Well, Mr. McMasters was represented by an attorney at the time of the

Secretary of State's investigation, a man named Alex Zipperer. Mr. Zipperer had not contacted me or Mr. Harvey since we sent the subpoenas out. Mr. Zipperer spoke on behalf of John McMasters to the Secretary of State's investigators. So the Secretary of State investigators never met directly with Mr. McMasters.

The information stated that on September 17, 2009, Investigator McNeil received a letter from the law offices of Tom Bordeaux, who is another -- I guess there were two attorneys -- who is the attorney currently representing Mr. McMasters. In this letter, Bordeaux stated that Mr. McMasters did collect the signatures in a petition drive. He would explain the purpose and if the resident agreed, he would have them sign the petition. Further, according to Bordeaux, McMasters did not ask for identification from those who signed the petition he circulated. He said petitions turned in by Mr. McMasters included signatures collected by him, as well as others. Finally, Bordeaux stated that while McMasters was heavily involved in the campaign, this involvement did not include McMasters obtaining forgeries by others.

Once the Secretary of State's Office did their investigation into this case and tried to verify signatures, they did contact two people who signed Mr. McMasters' petitions. Those two people verified their signature. So we don't have any evidence of forgeries on any petitions that Mr. McMasters circulated. But he was heavily involved in this case. I think he was the person that might have -- I think he was the person that hooked Mr. Osborne up with Mr. Morris.

SECRETARY KEMP: Mr. Osborne. Just to remind you, you're still under oath, sir.

MR. OSBORNE: Yes, sir.

SECRETARY KEMP: You want to ask that question, Ms. Brumbaugh?

**DAVID OSBORNE, PREVIOUSLY SWORN**  
**FURTHER EXAMINATION BY MS. BRUMBAUGH:**

Q Mr. Osborne, was it Mr. McMasters who introduced you and got you hooked up with Mr. Morris?

A That's correct. Yes.

Q Can you tell us about how you know Mr. McMasters and what involvement he had in the petition drive?

A I knew who John was and I spoke to him a couple of times. And we got together and he said he really wanted to help me out. So --

Q Okay. How did you know him?

A I know that he was a county commissioner and I met him before that, before he was a county commissioner. I met him before that.

Q Did you ever -- do you remember what he told you about Mr. Morris?

A No. This was three years ago. I have no -- the only thing I met with him and -- just let me say this. First of all, this young lady said -- none of this -- what she said was correct. Number one, my wife did not want me to run on the county commission at all and I'm not even

sure she even signed my petition, so my wife had nothing to do with anything, any of this.

Number two, the only people that I gave petitions to, blank or filled out, were Edwin Morris. I did not collect any petitions from Kim Ross or anyone else. The only petitions that I collected was from Edwin Morris himself. We met. He has never been at my house, obviously, and so obviously, she did not meet my wife. So, anyway, all right. I'm sorry. Go ahead.

Q Let's stick with Mr. McMasters for a minute and we'll get back to that.

A Okay.

Q Mr. McMasters; how often did you meet with him?

A I met with him probably six or eight times over a period of about five months.

Q Did you -- did he ever discuss with you issues regarding forgery?

A No.

Q Did you have any suspicion of him or his potential involvement in this case?

A No.

Q I know I asked this before, but I think I need you to answer as specifically and concretely as possible. How did you know these players, McMasters and Morris? What was your contact with them? If you could be as detailed as possible about how you came to meet them, what you knew about them, and what your relationship with him was during this petition campaign?

A My relationship to all of them was professional. I didn't -- I didn't know any of these people personally. I did not know them. I knew who John McMasters was. I had met him a couple of times during the campaign for county commission. No, I did not know when I started to run as a county commissioner I got in touch with him. In fact, I think he called me and asked me if he could help with my campaign and I said yes.

Now, with Edward Morris, I didn't know him, ma'am. I was told that he was a political consultant and he had worked on other campaigns here in Savannah -- in Savannah, and when I met with him I just -- I was like okay, he was willing to help collect signatures and I agreed, between him and I, that I would pay him for a good signatures and, if you would, like to do what -- whoever he would get to circulate petitions, he would take care of those folks. I haven't -- I haven't had any -- any contact with any of those folks other than Edwin Morris.

Q Did you pay Mr. McMasters?

A No. The only person I paid was Edwin Morris.

Q How much did you pay Edwin Morris?

A Three dollars a signature.

Q Do you remember what the total was?

A No, but I've got -- I mean, if you need it, I can get it for you. I wrote a check.

Q It was probably, at least several hundred dollars?

A Probably about 800 bucks, best I remember.

Q So it's your testimony today that Ms. Ross's story about going with you to Joyce Humphrey and signing a stack of petitions that she had not circulated is false?

A Absolutely false.

Q Did you take -- because, Ms. HUMPHREY, I understand -- Ms. Humphrey seemed to agree that yes you had taken some women to her house.



MS. HUMPHREY: No, it wasn't.

SECRETARY KEMP: Ma'am, ma'am --

MS. HUMPHREY: I did not say that.

SECRETARY KEMP: -- you can't interrupt us now when we're doing this. We're going to continue to remain orderly. Go right ahead.

A I was not there when those folks were -- when they took those signatures to be notarized.

Q When who took the signatures?

A Anyone, other than my own.

Q So did you ever have a meeting with Ms. Humphrey about petition notarization?

A Yes, I did. Yes, I did.

Q When?

A She did one of my papers.

Q So no one else was present then?

A No.

Q Did you ever take anyway or -- did you ever deal with any other notaries?

A I dealt with Steven Bell.

Q Okay.

A Steven Bell did most of my papers.

Q Did you have anyone else -- anybody else's petitions that Steven Bell notarized for you?

A No, only mine.

MS. BRUMBAUGH: I don't have any other questions.

SECRETARY KEMP: Any other questions? Mr. Simpson?

MR. SIMPSON: Did Mr. Morris give you the petitions?

A Excuse me?

MR. SIMPSON: Did Mr. Morris give you the petitions after they were --

A He collected them and he gave them to me. Some of them he brought to me and some of them he brought to John McMasters.

MR. SIMPSON: At the time he brought them too you, were they filled out and notarized?

A They were filled out, signed and notarized.

MR. SIMPSON: Already?

A That's correct.

MR. SIMPSON: You did not hand them out to anyone in front of a notary to be notarized?

A I did not. I absolutely did not.

MR. SIMPSON: So you were not at the meeting that we heard about?

A Absolutely.

MR. SIMPSON: Do you know how Mr. Morris came to get those petitions filled out?

A No, I don't. All I know about him was -- was if he collected good signatures and I paid him for them. I didn't ask him how he would do it. My understanding was that he was a professional and he collected signatures. That's what he did.

MR. SIMPSON: Did anybody, on your behalf or your campaign's behalf, review those petitions to make sure that they were accurate before they were filed?

A No. No, sir.

SECRETARY KEMP: I've got one question for you Mr. Osborne.

A Go ahead, sir.

SECRETARY KEMP: Have you had any contact with Edwin Morris recently?

A No, not within the last three years.

SECRETARY KEMP: Any other questions?

MS. BRUMBAUGH: I have one question.

Q Have you had any contact John McMasters recently?

A I talked to him on the phone.

Q How recently?

A Last week.

Q Did you discuss this hearing?

A That there was a hearing, yes.

Q Did Mr. McMasters indicate he was coming?

A No. He didn't tell me one way or the other.

Q What was that conversation? Can you tell the Board what that conversation was about?

A He got the same subpoena I did and that we -- I mean, that it was going to be held today and that was basically it.

Q Was your impression from that conversation that he would be here today or that he would --

A My impression was he would not -- would not be here.

Q Why was that your impression?

A He did not say that. He said he would talk to his attorney. I got the impression that he was not going to be here.

Q Do you know who his attorney is?

A Yes, I do.

Q Who is his attorney?

A Alex Zipperer.

Q Alex Zipperer? Did you call McMasters or did Mr. McMasters call you?

A He called me. I called him early in May, when I got the petition or got the subpoena and he called me last week.

Q Have you ever discussed this forgery situation with McMasters in the intervening two or three years?

A Yes, we did. After -- after the letter came out, yes, we talked about it.

Q What is your theory about what must have happened?

A I don't know. I don't know personally that there was forgeries. I mean I'm not -- there were stories, but I don't know that there are. The only forgeries I know is that forgeries that were the people that voted for Helen Stone on Mall Boulevard. Those people were in the Sixth District and they voted for Helen Stone. That's the only -- that was the mess up with the Elections Board.

Q But you just said that you and John McMasters talked about this over the intervening --

A After -- after we got the letter -- I got the letter from the Elections Board saying that they --

Q Right, I understand that. So, in those conversations, what has been your theory about what happened?

A Well, my theory is that Edwin Morris and his people short-cutted the circuit or whatever. He signed or other people signed too.

Q Along the lines of those conversations, did McMasters ever indicate to you that he had any concrete knowledge about this?

A No.

Q Any proof?

A No proof.

Q Any knowledge of Mr. Morris's background that would lead him to think that this happened?

A No.

MS. BRUMBAUGH: I don't have any other questions.

SECRETARY KEMP: So, Mr. Osborne, would this be a correct assumption on my part that you were simply a candidate for this office and you had some people that were volunteering and helping you get your signatures that you went to church with and you had a, quote, political consultant, that you were also paying to help you get the required signatures?

A That's correct, yes.

SECRETARY KEMP: And you weren't aware of the forgery or other things that were going on until after this whole case broke basically?

A That's correct. I was not aware of that until after the election -- well, actually -- my petition, a couple of weeks later I got a letter from Russell (phonetic) saying that they had some questions about some signatures. That was the first time I was made aware of it.

SECRETARY KEMP: Let me ask you a question about Mr. McMasters. How did you first come into contact with him in your campaign?

A He called me back in -- I don't know March, maybe, March of 2008. And he found out that I was running and he asked me if I needed some help and I said sure.

SECRETARY KEMP: Was there a reason that he would have called you to offer help?

A I suspect it had something to do with the fact that he doesn't like Helen Stone.

SECRETARY KEMP: That's the kind of things that we need to understand. You might not believe this, but those kinds of things happen in politics sometimes.

A Well, I know what politics is. You don't like each other.

MS. BRUMBAUGH: I have one final question. You've already denied that you didn't have a meeting with Ms. Humphrey and Kim Ross and having Kim Ross sign the petitions in front of Ms. Humphrey. But did you ever communicate to anyone that they needed to sign petitions in order to be paid?

A No. I spoke directly with Edwin Morris and I told him that he needed to deliver me good signatures and I would pay for his good signatures. I did not give him any direction on how to do it. And then they came back to me, they were all -- all the signatures were completed. They were signed and notarized.

SECRETARY KEMP: Any other questions?

(NO RESPONSE)

SECRETARY KEMP: Thank you, again, sir. Ms. Brumbaugh?

MS. BRUMBAUGH: Yes. Next is Jeff Rahno.

MR. RAHNO: Jeff Rahno, 3 Stone Court, Pooler, Georgia 31322.

(WITNESS SWORN)

SECRETARY KEMP: Thank you. Welcome back.

**JEFF RAHNO, SWORN**

**EXAMINATION BY MS. BRUMBAUGH:**

Q Good afternoon, Mr. Rahno.

A Good afternoon. I'm pleased to see you again.

Q It's good to see you too. Now, Mr. Rahno, did you bring the petitions that you circulated, unsigned, and sign in the presence of a notary?

A No. I signed them and I gave them to John McMasters.

Q Why didn't you sign them in the presence of a notary?

A Because I've known his mother for well over eight years.

Q So is it true th she then called you on the phone and just verified on the phone?

A That's correct. Yes, ma'am.

Q Did you work with Edwin Morris of this campaign?

A As I testified before, I don't know him.

Q I apologize. I know you have been here. If you don't mind answering the questions.

A I will. Thank you.

Q How about Alexia Williams?

A No, ma'am.

Q What about Kim Ross?

A No.

Q What about John McMasters? John McMasters?

A We went out one day in like the same neighborhood, which is next to -- whatever -- one day we went together on one side of the street.

Q Did you know John McMasters before this petition drive?

A We served on the county commission together for three years. I actually worked on his campaign, helped him get elected.

Q Were you aware, through contact with Mr. McMasters or just hearing things, did you have any idea, at the time, during the petition drive, that they might be putting forgeries on petitions take MMF I had I would've disassociated myself with the effort??

A No, ma'am. If I had, I would have disassociated myself.

MS. BRUMBAUGH: I don't have any other questions.

SECRETARY KEMP: Mr. Rahno --

A Yes, sir.

SECRETARY KEMP: -- I just want to make sure I've got all these relationships clear here. What is the relationship with Mr. McMasters and Ms. Humphrey?

A That is his mother-in-law.

SECRETARY KEMP: Mother-in-law. So you had given -- explain to me again what you did with your signature page, that you signed. You gave that to?

A To John McMasters. I was busy working my coffee shop. I went and dropped it off and went back to work. I went out two days.

SECRETARY KEMP: And then she -- she notarized it?

A Yes, sir. That's my understanding.

SECRETARY KEMP: Okay. Any other questions? Mr. Simpson?

MR. SIMPSON: Did she call you about your signature on the petition page?

A Yes, sir.

MR. SIMPSON: Did you know her?

A Yes, sir. I've known her for eight years, as I said previously.

MR. SIMPSON: So you've known her for eight years and she knew how to get in touch with you. She called you and verified your signature?

A Yes, sir. I worked with John McMasters through three campaigns and we went together. I know him very well. Yes, sir.

MR. SIMPSON: Thank you.

SECRETARY KEMP: Any other questions?

(NO RESPONSE)

SECRETARY KEMP: Thank you, Mr. Rahno, for being here with us today. Ms. Brumbaugh, how many more have we got to call here?

MS. BRUMBAUGH: We've got three more. I have a few more questions for Ms. HUMPHREY, but --

SECRETARY KEMP: Do you want to do that now or --

MS. BRUMBAUGH: Actually, I think I would rather wait, if that's okay. I would call Jeremy Sheinbart. Jeremy Sheinbart? Going once, going twice.

(NO RESPONSE) .

MS. BRUMBAUGH: Actually, Mr. Sheinbart, we didn't have delivery confirmation. We had a bad address on him. Sandra Shirley. Sandra Shirley?

(NO RESPONSE)

MS. BRUMBAUGH: We also had a bad address on Ms. Shirley. Karen Smith?

SECRETARY KEMP: Can we get Ms. Smith a microphone? You can -- you can stay right there, if you would like, ma'am. Ms. Smith, is that correct?

MS. SMITH: That's correct. I am Karen Odum Erin (phonetic) Smith.

SECRETARY KEMP: If you would just give us your name and your address, for the record.

MS. SMITH: Karen Odum Erin Smith, 522 East 60th Street, Savannah, Georgia 31405.

SECRETARY KEMP: I'm going to give you the oath here.

(WITNESS SWORN)

SECRETARY KEMP: Thank you. Glad you're here with us today.

MS. SMITH: Thank you, sir.

SECRETARY KEMP: Ms. Brumbaugh.

**KAREN SMITH, SWORN**

**EXAMINATION BY MS. BRUMBAUGH:**

Q Good afternoon, Ms. Smith.

A Good afternoon. Thank you for coming to our backyard.

Q It's a lovely backyard. Ms. Smith --

A Yes.

Q -- your husband said that you were the -- of the two of you, you were the person that knew David Osborne?

A Well, what happened was, we were asked by John McMasters to meet and then decide whether to help Mr. Osborne in collecting names for a petition to be allowed to run as an independent against two other candidates. We live in the district. We live in the middle, I think, of the district. We are very interested in politics, though neither one of us has ever done anything beyond wearing a button or a T-shirt.

So I met him and met Mr. Osborne, through John McMasters. But we knew Jeffrey Rahno was supporting him and some other folks, so we were impressed. We thought it would be nice to have a good Christian influence in politics. So we went out to do so and we felt like we were -- we stayed in our neighborhood, stayed in the area where at least, by face, they would know us together as being in the neighborhood and in throughout the community.

Q Now, your husband testified earlier that you heard, during the course of the petition drive, that somebody had been hired to fill out petitions. For some reason, that made you think there might be forgeries.

A No. He -- we heard that they were paying for signatures. That was true. But we did not discuss, until after our visit with Mr. Ryan McNeil in September, that there was actually anything wrong.

Q So did you have any knowledge during the petition drive of forgeries?

A No, ma'am.

Q Did you ever work with Edwin Morris?

A No, ma'am.

Q Or Alexia Williams?

A No, ma'am.

Q Or Kim Ross?

A No, ma'am. Don't know them.

MS. BRUMBAUGH: I don't have any other questions.

A I thank you all for the opportunity to be here and whatever the process is, we thank you.

SECRETARY KEMP: Thank you, Ms. Smith. Any other questions for her from the Board?  
(NO RESPONSE)

SECRETARY KEMP: Thank you very much. Glad you're here. If you need anything the rest of the meeting, you let us know.

MS. SMITH: Thank you.

MS. BRUMBAUGH: At this time, I would like to call -- recall Joyce Humphrey and then actually John Welcher is one final witness.

SECRETARY KEMP: Just to remind you, you're still under oath, ma'am.



**JOYCE HUMPHREY, PREVIOUSLY SWORN**  
**FURTHER EXAMINATION BY MS. BRUMBAUGH:**

Q Ms. Humphrey, were you aware that Mr. McMasters was not going to show up this afternoon?

A Yes.

Q You were?

A Yes.

Q Can you tell us why Mr. McMasters did not show up this afternoon?

A No, I cannot.

SECRETARY KEMP: Ms. Humphrey, if you don't mind, could you just put that microphone down a little bit. Thank you.

Q Now, Ms. Humphrey, this is not a question that is going to cause you to incriminate yourself in anything.

A Ma'am, I don't know why he didn't come. He just said he wasn't showing up. I'm not my son-in-law's keeper.

Q When did you have that conversation with him?

A Last night.

Q Are you aware that he -- is his attorney Alex Zipperer as someone else testified?

A Yes, it is.

Q What was your knowledge of his involvement in Mr. Osborne's campaign?

A The only thing I know, he was helping David to get on the ballot.

Q Now, there has been some testimony earlier and I apologize if I misunderstood what you said earlier. But we have two different stories about --

A You're talking about when I said that they came to your house?

Q Yes.

A John McMasters, Edwin Morris, and like I say, it was three or four ladies came. David has never been to my house.

Q Now, so David was not there?

A No, ma'am.

Q When they come, are the petitions signed or unsigned?

A Unsigned. I looked at their driver's license and then had them sign and compared their driver's license to the signature.

Q And so the only three people whose signatures -- whose petition were pre-signed were Jeremy Sheinbart, Sandra Shirley, and Jeff Rahno?

A Yes.

MS. BRUMBAUGH: I have no other questions.

SECRETARY KEMP: Any other questions for Ms. Humphrey?

(NO RESPONSE)

SECRETARY KEMP: Ms. Humphrey, I have a couple of questions. Have you had any contact with Edwin Morris recently?

A The only time I ever saw him was the night he came to my house.

SECRETARY KEMP: And do you know if Tom Bordeaux is representing Mr. McMasters?

A Alex Zipperer is his attorney, to my knowledge.

SECRETARY KEMP: So when somebody mentioned Tom Bordeaux earlier --

A I have no knowledge.

SECRETARY KEMP: Thank you, ma'am. All right, Ms. Brumbaugh.

MS. BRUMBAUGH: Johnny Welcher.

SECRETARY KEMP: Major Welcher, welcome. If you would, just state your name and address for the record and I'll swear you in, sir.

MAJOR WELCHER: John T. Welcher. I'm a major with the Chatham County Sheriff's Office.

SECRETARY KEMP: What's your address?

MAJOR WELCHER: Number 19 Chippewa Drive, 31406.

(WITNESS SWORN)

SECRETARY KEMP: Glad to have you with us. Ms. Brumbaugh.

**MAJOR JOHN WELCHER, SWORN**

**EXAMINATION BY MS. BRUMBAUGH:**

Q Major Welcher, your signature appears on the petition and you did not sign it, correct?

A My name appears on it. I did not sign it. I did not talk to anyone. Nobody came to my house and obtained anything from me. I found out, through my County Commissioner, on a Sunday she called me at home. Helen Stone is my Commissioner. And she said, "I thought you and I talked and you was going to help with my campaign." I said, "What are you talking about, Ms. Stone?" She said, "Well, you signed Mr. Osborne's petition." I said, "No." I went to her house on Sunday, looked at the names of the petition. My name was forged. My next door neighbor's name was forged. And the next door neighbor to him, him and his wife's was forged. I've been living in the same neighborhood for 14 years.

Q Do you have any knowledge of who forged your signature or your neighbor's signatures?

A I have no clue. But whoever forged it should be prosecuted. It's a slam-dunk case if they prosecuted, but they wouldn't do that. I want them prosecuted to the fullest extent of the law.

Q Did you do any investigation on your own?

A I called the Attorney General, after this happened. I got some face time with him. I called Larry Chisholm, who said there wasn't nothing they could do about it. And I stayed in contact with Commissioner Stone and Commissioner GALLANTLY and said I would pursue it.

MS. BRUMBAUGH: I don't have any other questions.

SECRETARY KEMP: Major, I've got a question for you. Sometimes when these meetings are going on, I'm trying to do several things at one time. I hope I didn't miss this. But do we know who signed the petition that your name was on?

A I have no clue, sir. Every signature on the page that's got my name on it, the same person signed it.

MS. BRUMBAUGH: We don't know who forged the signature --

A I don't know who forged the signature, no.

MS. BRUMBAUGH: But we know that the circulator, that Morris signed the affidavit.

SECRETARY KEMP: Edwin Morris?

MS. BRUMBAUGH: Edwin Morris.

A And I have no clue who he is. That is not my signature. If you sign it on anything, I think it's an injustice to anybody that forges anybody's name, a misdemeanor, on any kind of paperwork or anything.

SECRETARY KEMP: Well, we are inclined to agree with you on that. Any other questions for the Major?

(NO RESPONSE)

SECRETARY KEMP: Thank you, Major. Please let the Sheriff know we appreciate you all's security.

MAJOR WELCHER: Thank you all. I appreciate your time looking into this. I think it will be well worth it.

SECRETARY KEMP: Thank you. All right. Ms. Brumbaugh, anybody else you want to call?

MS. BRUMBAUGH: We have no other witnesses to call.

SECRETARY KEMP: I think what we probably need to do, I'm sure that our transcriber probably needs a break, as well as the Board members. Let's just take a ten-minute break. We'll come back at 4:15.

(SHORT BREAK)

SECRETARY KEMP: I'm going to go ahead and call the meeting back to order. Let the record show that we've got Mr. Simpson and Chairman Kemp and Mr. McIver back on duty. We do have a quorum. Ms. Brumbaugh, we got the folks that we subpoenaed; is that correct?

MS. BRUMBAUGH: Yes. Yes, Your Honor. Yes, sir.

SECRETARY KEMP: I'm not a judge, but I feel like it. All right. Ms. Brumbaugh, anything else you want to add to the testimony or suggestions for the Board as we move forward?

MR. SIMPSON: Mr. Chairman, I would like to ask something.

SECRETARY KEMP: Hold on just a minute, if you would, Ms. Brumbaugh. Hang on a second. Mr. Simpson?

MR. SIMPSON: Of course, I'm new today, but I understand some history of this. I read some of the minutes of the last meeting. Would you mind, just for my benefit, giving us a procedural history of this case and how it developed to this point.

MS. BRUMBAUGH: Certainly. This case first came to the Board in December of 2009. It was presented by Shawn Ellen LaGrua, who is a Superior Court Judge in Fulton County. At that time, Ms. Brewer raised an issue of knowing who had committed the forgeries. The Board, in December of 2000, voted to refer this case, to both my office for administrative prosecution, and to the DA's office for criminal prosecution. What I do is purely civil and administrative.

The case went to the DA's office Chatham County and the DA -- I don't know who it was, but apparently he -- somebody from the group of respondents had worked on his campaign. He conflicted himself out of this prosecution. He sent the case to the Prosecuting Attorneys Council, which is a group, in Georgia, that does come in and do prosecutions when local district attorneys are conflicted out. Rick Malone, the head the Prosecuting Attorneys Council sent a letter, in July of -- excuse me, January of 2011 stating that he would not prosecute this case based on the same issue that -- that now Judge LaGrua had raised, which was we don't know who did these forgeries. We don't have enough evidence as to identity. We don't have enough evidence that the petition circulators knew that the signature they were getting were forgeries.

So I brought that letter to the Board's attention at the February meeting. Ms. Stone, Mr. GALLANTLY, Mr. Rahno were all present, and the other people, some others who we have not

subpoenaed. The rest of them did not appear. At that meeting we heard from Ms. Stone, Mr. GALLANTLY and Mr. Rahno and the Board decided to put this case on this agenda. So, at the February meeting, the Board put this case on this agenda and asked both Ms. Stone and myself and Mr. Harvey if there were any additional investigation that we could do.

And we have since been able to identify, a little bit better, whose petitions have forgeries and which signatures were forged. And we were hoping today to get more evidence regarding knowledge of those forgeries. And so, that's really the issue. That's the first issue before you. And then the second issue is some of the issues about petitions being pre-signed or perhaps people not circulating the petition, signing as circulator. Those are more technical violations. Those would not go to the District Attorney's Office anyway.

Your options now are either to order additional investigation -- one thing we can do, is depose some pictures. Most people were here, but perhaps for those -- some of them who didn't show -- keep the case in my office. The case was referred to my office. I could continue administrative prosecution or close the case, if you feel that there are some people for whom there is really no evidence or questionable violation.

MR. SIMPSON: Now, we wouldn't have any jurisdiction to order a criminal prosecution. I mean, that's solely with the district attorney here in Chatham County.

MS. BRUMBAUGH: You can refer it. I suppose we could re-refer it back, but it's their discretion whether they prosecute it.

MR. SIMPSON: That's what I mean. We've already done that --

SECRETARY KEMP: Right.

MR. SIMPSON: -- and we got no results, no interest in prosecuting this case here locally; is that correct?

MS. BRUMBAUGH: Correct.

MR. SIMPSON: Thank you. The other thing is, somebody this morning mentioned a time delay or something. Where is the time delay? How long would it take a case to process through the local district attorney's office and the Prosecuting Attorneys Council?

MS. BRUMBAUGH: The case went to the local district attorney's office December of 2009. I would have to check my notes. I was checking in with them every couple of months. I think it was the summer of 2010 that the Chatham County District Attorney finally said I'm not prosecuting this. He sent it to the Prosecuting Attorneys Council and then another six or seven months, into January 2011, that the Prosecuting Attorneys Council reviewed the case.

MR. SIMPSON: The case, for all practical purposes, has been on the Board's plate for the past

three months.

MS. BRUMBAUGH: Correct. I mean, I got that letter. I put it on the very next meeting and then, you know, there were all these unresolved questions in February. Since this case -- we were going to be in Savannah anyway, it seemed like a good idea to conduct this hearing.

MR. SIMPSON: Thank you.

SECRETARY KEMP: That was a great point, Mr. Simpson. Mr. McIver, I have a question for you. As long as you've been on this Board, do you have any prior knowledge of us ever subpoenaing anybody.

MR. McIVER: This is my first experience. I think I joined the Board in either '04 or '05.

SECRETARY KEMP: I think this is a good point. I know the Commissioners that spoke earlier were frustrated with this process. We have a lot of people who do get frustrated at this process, because sometimes things do take a while. Unfortunately, there are things that we, as a Board, have to wait on and hope that others will do as we try to move cases forward. But when a local district attorney or the Prosecuting Attorneys Council won't move forward with these things, you know, we have to wait for their decisions and then we'll -- we'll act. I think you can see by the decisions that we've made and -- made and by having this hearing today that we do take this seriously and we are moving as fast as we possibly can as a Board.

But we also have the responsibility as Board members and myself, as an elected official, to make things -- to make sure that we do this the proper way and that we hear from the right people and we hear from all of the people on these matters before we make a final decision. I think now, Ms. Brumbaugh, what we should do is start back at the top, with Mr. Edwin Morris, and go through our options and then we can let the Board decide where we may go. The first one we have is Mr. Edwin Morris. Is there anything else you would like to add before we move or not?

MS. BRUMBAUGH: No. I would suggest there is certainly circumstantial evidence that Mr. Morris -- of these forgeries, that Mr. Moore should have known that they were forgeries. I mean, there were 26 forgeries that we uncovered on Mr. Morris's petitions. Additionally, throughout the -- again, more circumstantial evidence that he was running this campaign, was paid to do so, you know, was hiring other people.

So we have some circumstantial evidence. I don't know that is enough to meet the threshold of preponderance of the evidence -- preponderance of evidence in an administrative hearing. So I will leave it to the Board's discretion whether to keep the case in my office for administrative prosecution or close it.

SECRETARY KEMP: Well, the problem I think, we have with Mr. Morris's is if we go to the ALJ and he's obviously not going to be in a capacity where he can testify.

MS. BRUMBAUGH: We also have a capacity issue. That's correct. Now, it could be that in six months or year he's feeling a little better. Certainly, at some point, we would have to kind of make the call. And I will attempt to get some more definite information for the Board regarding his capacity. But certainly, if Mr. Morris -- I would give him, based on the knowledge we have, several months and see if he is improving, his physical and mental capacities are improving. But right now, yes, he doesn't have -- he lacks the capacity to prosecute.

SECRETARY KEMP: Well, I would just say to my colleagues on the Board, I am not in favor of closing the case on Mr. Morris. I think we should leave it with your office and let you continue to follow up on his medical condition. If that improves in the future, we can proceed. If it does not, then we can make a decision, down the road. So my thoughts would be to just let you continue to monitor that situation, but I'm open see what the other members think, as well.

MR. McIVER: If that's a motion, I second it.

SECRETARY KEMP: Do we need a motion, Ms. Brumbaugh, for that?

MS. BRUMBAUGH: You don't need a motion to keep it in my office. So you would only need a motion to close it or do further work on it.

SECRETARY KEMP: Well, you understand the direction of the Board on this?

MS. BRUMBAUGH: Yes, I do.

SECRETARY KEMP: Very good.

MR. McIVER: One thing that I would add to that, Mr. Chair, I believe our understanding of his condition comes from his father. That would be good to have it confirmed, independently confirmed.

MS. BRUMBAUGH: Absolutely.

MR. SIMPSON: Would that leave open the possibility of a consent order or something like that for the penalty -- civil penalties --

MS. BRUMBAUGH: Yes, yes.

MR. SIMPSON: -- that could be possibly negotiated because of his condition?

MS. BRUMBAUGH: Yes.

SECRETARY KEMP: Well, maybe you can check or do a little more research on his condition, verify that from a medical professional, and report back to us in the next Board meeting?

MS. BRUMBAUGH: Certainly.

SECRETARY KEMP: That would be great. Okay. All right. The next is Mr. Osborne. Anything you would like to add on that, Ms. Brumbaugh?

MS. BRUMBAUGH: Going into this hearing, we thought we had one person claiming that her signature had been forged. That's really not enough evidence to prove knowing -- knowing that the signature is forged. When you've got ten or 20 petition circulations and only one has a forgery, so I would recommend closing the case against Mr. Osborne regarding forgeries. Additionally, it does not appear, from what we've heard today, that there is any sort of technical violation regarding signatures. We certainly have Ms. Humphrey backing up Mr. Osborne saying no, you know. He never came to me and he never had these -- these petitions being signed by people who hadn't circulated.

MR. McIVER: Well, I have a question on that. Through his testimony, he has indicated he paid three dollars a signature. Is that a violation of the code?

MS. BRUMBAUGH: Not -- not as I understand it. There is no prohibition on paying people on signing petitions. The code is pretty specific and broken down. You have your nominating petition statute and you have your absentee ballot statute. You don't get to sort of read across the lines. So absent the prohibition on paying people for nominating petitions, I don't think we have a case on that.

MR. McIVER: When I researched this, I think my analysis was that he could pay for effort. I mean, he could pay for the petition, but you could not pay for the signature. Can anybody correct me on that that?

MS. BRUMBAUGH: Well, I think that might be more applicable in the area of voter registration. I know that, again, Judge LaGruta and Chris Harvey really researched this very extensively for -- before the December 2009 meeting and then, as it has come up again today, and it has been pretty consistent that we don't have a case regarding paying people -- paying circulators for signatures.

MR. McIVER: I'm prepared to make a motion, Mr. Chair.

SECRETARY KEMP: Mr. Simpson have you got any other --

MR. SIMPSON: Go right ahead.

MR. McIVER: I move that we close the case with respect to Mr. David Osborne.

SECRETARY KEMP: Does that motion have a second?

MR. SIMPSON: Second.

SECRETARY KEMP: We've got a motion and a second. Any other discussion?



(NO RESPONSE)

SECRETARY KEMP: Let me just remind everyone, as we vote on these cases, I know this has been a pretty emotional, tiring, and long day for us all. As we make the motions and the votes, I would just ask if you remain quiet and be respectful of all the parties involved. We've got a motion and a second. All in favor of the motion to close the case on Mr. David Osborne signify by saying aye.

BOARD MEMBERS: Aye.

SECRETARY KEMP: All opposed, same sign?

(NO RESPONSE)

SECRETARY KEMP: The motion carries. Next is Alexia Williams.

MS. BRUMBAUGH: Ms. Williams, again, we have some circumstantial evidence that she might have known that these forgeries occurred, given the number of them. There were 15. She is being paid. She is working with Edwin Morris. Unfortunately, again, this is a civil proceeding and we have to provide notice. And since we did not have a good address on Ms. Williams -- we asked people and they don't seem to know where she is. If I sent this in to OSAH for a hearing and I can't prove that she had notice, the case will be dismissed against us, because that is the very beginning threshold that the respondent needs to know that there is a hearing. So that is really the concern with Ms. Williams.

MR. SIMPSON: There are more -- according to the notes, there are more forgeries on her petitions than anyone else's. It seems like there are more forgeries on the petitions she circulated than anyone else's. What would be wrong with leaving it in your office and you locating her?

MS. BRUMBAUGH: I mean, there is nothing wrong with that. I mean, you know, I may come back to you in the next meeting and say, you know --

MR. SIMPSON: At least if you could find and depose her and then, of course, if she took the Fifth Amendment, then we could -- that's more than circumstantial evidence and we could proceed. But I sort of feel about her like the Chairman feels about the other case. I don't think we ought to give up on this case, because this thing won't move.

SECRETARY KEMP: I agree.

MS. BRUMBAUGH: That's fine. If you want to take a vote and I will try to locate her. And if I can, I will depose her. If not, I will report back.

SECRETARY KEMP: Do we need to give you a motion to depose her or can we just leave it in

your office like we did with direction from the Board, because you've already got the case on her?

MS. BRUMBAUGH: It says -- it just says that the Board can take, through its agent, the depositions of witnesses. I guess it's probably okay.

SECRETARY KEMP: Well, why don't you make that -- have you got anything, Mr. McIver?

MR. McIVER: In addition to her, I would also depose McMasters.

SECRETARY KEMP: We're going to go one at a time.

MR. McIVER: Then I move we depose Alexia Williams so we can ask her the questions?

MR. SIMPSON: Second.

SECRETARY KEMP: All right. We've got a motion and a second. Before we vote, I would encourage any of you local folks, if you know her and could get us where we could have a conversation with her, Ms. Williams, we would appreciate finding out where she is. We've got a motion and a second. Any other discussion?

(NO RESPONSE)

SECRETARY KEMP: Hearing none, all in favor of the motion signify by saying aye.

BOARD MEMBERS: Aye.

SECRETARY KEMP: All opposed, same sign.

(NO RESPONSE)

SECRETARY KEMP: That motion carries. All right. Ms. Ross. Ms. Brumbaugh?

MS. BRUMBAUGH: Ms. Ross; we found 11 forgeries on petitions that she allegedly circulated. Now, today she has testified that she didn't circulate them. We don't have any evidence now to suggest that she did circulate them. So without even evidence that she circulated these petitions it is difficult to say that she knew that there were forgeries. However, she shouldn't have signed the petition -- if she's telling the truth, then she violated another section of the code regarding signing petitions that she had not circulated and I would recommend that I probably proceed under that -- those code violations.

MR. McIVER: I move we bind her over.

MS. BRUMBAUGH: Well, she's already bound over.

MR. SIMPSON: I was just going to suggest that we -- you keep the case and see what develops on the two, McMasters and Williams. We don't know what additional evidence we will -- we will find and I would hate to make a decision today that would foreclose action in the future.

MS. BRUMBAUGH: That's fine. I will attempt to follow up on Ms. Williams and Mr. McMasters and then re-evaluate the legal issues.

SECRETARY KEMP: So we don't need a motion. You have the direction of the Board, correct?

MS. BRUMBAUGH: Yes.

SECRETARY KEMP: Ms. Ross, I would like to thank you for coming today and testifying. We will stay in touch with you as this process goes forward. Okay. Let's see here. Ms. Brumbaugh, do you want me to go onto section two, on our agenda, where we go to DelSanto. Did we subpoena her?

MS. BRUMBAUGH: We subpoenaed her.

SECRETARY KEMP: Is that the next list we need to go down?

MS. BRUMBAUGH: That's the next list. These are all people that are just involved, whether they signed their petitions in the presence of a notary. So there are no further people where we have forgeries on the petitions.

SECRETARY KEMP: So we would not have jurisdiction over that? Is that right?

MS. BRUMBAUGH: No, we would have jurisdiction over it, but I just wanted to make clear, there's kind of a -- you know, there's no more -- the remaining respondents, there is no allegations that any of these people had forgeries on their petitions. So the main respondents, if there are any potential violations or if there is any further work to be done, based on their failure to show up today, it has to do with technical violations.

SECRETARY KEMP: I tell you what. I want to make sure I don't miss anybody through this process. Do you want to go through the list and just let us know your recommendations on moving forward or do I have the list?

MS. BRUMBAUGH: No, that's fine. I can do it. I just want to get organized.

SECRETARY KEMP: Because I know we've got the list that I have in my sheet, but we also have people that actually came. And I've got another list of people we heard from today. I just want to go through this in a way that is most organized.

MS. BRUMBAUGH: Well, it's easiest if we go through the list in the order in which I called

the witnesses.

SECRETARY KEMP: Okay.

MS. BRUMBAUGH: Which the next witness that I called was Joyce Humphrey. Joyce Humphrey was our notary for many of these -- for many of these cases. Now, Ms. Humphrey was not actually referred to our office, because, at the time, there was some question as to whether, as a notary, she fell under the election code. If you look at 21-2-170 (a) it says they've got to sign in the presence of the notary. It doesn't say you can know them. It doesn't give you that option. Her knowing Sheinbart, Shirley, and Rahno and not having them sign in front of her is a technical violation. And so it's up to you whether you want to refer it to me or whether you don't.

SECRETARY KEMP: Any thoughts from the Board?

MR. McIVER: I make a motion we close. Again, it's our responsibility to try to clean up these cases the best we can. We'll move forward with those who are probably complicit in some way.

MR. SIMPSON: Isn't there some -- isn't there some difference between what the statute says and the facts to the particulars as to whether or not the person has to be present in front of a notary public? Is there an issue about that?

MS. BRUMBAUGH: Yes. Yes, there is an issue because the back of the petition says, speaking more to the circulator, than the notary, but it says, "I, the undersigned, being first duly sworn on oath do depose and say that I personally circulated the foregoing petition sheet," and then it goes on. So that's the notice that they have to sign in the presence of a notary.

MR. SIMPSON: Does it discuss -- what does the direct notice act say?

MS. BRUMBAUGH: It doesn't say anything -- it doesn't say anything about that. It just says that no notary public can sign a petition as an elector or serve as a circulator.

MR. SIMPSON: It doesn't say "personally appeared before me" --

MS. BRUMBAUGH: No.

MR. SIMPSON: -- "so and so, who deposes and says" --

MS. BRUMBAUGH: Correct. There is no notice.

MR. SIMPSON: If the notary were not aware of the elections code specifically, then --

MS. BRUMBAUGH: I mean, her oath as a notary says "sworn to and subscribed before me" and then they fill in the date and they sign it, "my commission expires." "Sworn to and subscribed before me," that's what she -- she signed it.

MR. SIMPSON: I mean, some notaries, you can argue, can verify the signature of a person if they know them and can recognize their voice and they acknowledge their signature.

MS. BRUMBAUGH: Right. And she has advised that she verified --

MR. SIMPSON: I think the notary's act would approve that form. I think that would be appropriate, under the notary public statute. But what I'm saying is that unless the notary is specifically knowledgeable about the election law and the requirement there, then the notary could follow his or her own custom thinking they were doing some correctly and then, in proof and fact, they are violating the law.

MS. BRUMBAUGH: Correct.

SECRETARY KEMP: Well, would a letter of instruction be appropriate here?

MR. McIVER: I mean, I was saying close because just I don't see getting into the verifying. That would satisfy my smell test. I would agree to a letter.

SECRETARY KEMP: Well, I'll make a motion that we send a letter of instruction to Ms. Humphrey about the process. Do we have a second?

MR. McIVER: Second.

SECRETARY KEMP: We have a motion and a second. Any other discussion?

(NO RESPONSE)

SECRETARY KEMP: Hearing none, all in favor of the motion, signify by saying aye.

BOARD MEMBERS: Aye.

SECRETARY KEMP: All opposed, same sign. That motion carries.

MS. BRUMBAUGH: The next one was Lynette DelSanto. We don't have a good address on her. The allegation is that she did not sign the affidavits in front of a notary. Ms. Humphrey did not remember whether she -- Ms. DelSanto appeared to her personally or not. So the options would be either, as in Ms. Williams, keep the case open. I can see if I can find her and have a consent order for the alleged violation or close the case.

SECRETARY KEMP: Any thoughts?

MR. SIMPSON: Are there any forgeries? Are there any forgeries on her petitions?

MS. BRUMBAUGH: No, not that -- none were discovered.

MR. SIMPSON: I don't recall the testimony. Was she one of the persons that Ms. Humphrey called on the phone and verified the signature?

MS. BRUMBAUGH: No. She was one of the people Ms. Humphrey couldn't answer. She had no memory of Ms. DelSanto, at all.

MR. SIMPSON: Well, who notarized her signature?

MS. BRUMBAUGH: Ms. Humphrey. But when I asked specifically, you know, "Did they come to you? Was this person in your presence?" and she couldn't tell us which it was.

MR. SIMPSON: Didn't she testify that there weren't any notarizations that she completed that she did not either see in person or talk to on the phone?

MS. BRUMBAUGH: My understanding is there are three or four people that she had no memory of and so there was really, literally, no explanation for.

MR. SIMPSON: I thought I asked her a question about that. I thought she said she either called them on the phone or she saw them in person.

MS. HUMPHREY: They came to my house.

SECRETARY KEMP: Come on back up, Ms. Humphrey, if you don't mind. I'll just remind you, again, you're still under oath. Mr. Simpson is going to ask you that question.

MS. HUMPHREY: Okay.

MR. SIMPSON: Ms. Humphrey, were there any people that you did not either talk on the phone with or see in person that you notarized the signature on?

MS. HUMPHREY: Not to my knowledge. Every ...

MR. SIMPSON: Thank you.

SECRETARY KEMP: Any motions?

MR. SIMPSON: I move we close.

SECRETARY KEMP: I've got a motion to close. Have I got a second?

MR. McIVER: Second.

SECRETARY KEMP: I've got a motion and a second. Any other discussion?

(NO RESPONSE)

SECRETARY KEMP: Hearing none, on the motion on the floor, all in favor signify by saying aye.

BOARD MEMBERS: Aye.

SECRETARY KEMP: All opposed, same sign.

(NO RESPONSE)

SECRETARY KEMP: The motion carries. That was dealing with DelSanto, correct?

MS. BRUMBAUGH: Yes. Yes.

SECRETARY KEMP: Okay.

MS. BRUMBAUGH: The next one was April Hayes. Ms. Hayes also, we did not have a good address on her and -- she actually -- I don't think we have any violations, even for her. She was interviewed.

SECRETARY KEMP: Did she admit during the investigation that she failed to sign the affidavit in the presence of a notary?

MS. BRUMBAUGH: Well, she says she didn't sign any of the petitions at all. And when I went through these last night, just trying to line up who signed what, she -- her signature does not appear on any petitions at all, as circulating.

MR. SIMPSON: I move to close.

MR. McIVER: Second.

SECRETARY KEMP: I've got a motion to close and a second. Any other discussion?

(NO RESPONSE)

SECRETARY KEMP: Hearing none, all in favor of the motion signify by saying aye.

BOARD MEMBERS: Aye.

SECRETARY KEMP: All opposed, same sign.

(NO RESPONSE)

SECRETARY KEMP: Okay.

MS. BRUMBAUGH: Carrie Parker, is I think -- she did not appear. She is outside the subpoena power. But we do know where she is. She was in the same kind of way as Ms. DelSanto. She submitted affidavits to Joyce Humphrey. That was the only allegation against her. So I would say we need to treat her as we treated Ms. DelSanto.

SECRETARY KEMP: Do we have any -- so we don't have her signature on anything?

MS. BRUMBAUGH: No. We do have her signature on two pages, but like Ms. DelSanto, she put her signature -- she is someone who -- the only allegation is potentially maybe she didn't sign in front of Ms. Humphrey. And it sounds like she probably did.

SECRETARY KEMP: Okay.

MR. SIMPSON: No forgeries?

MS. BRUMBAUGH: No forgeries.

SECRETARY KEMP: And this is Ms. Parker?

MS. BRUMBAUGH: Yes.

MR. SIMPSON: Move to close.

MR. McIVER: Second.

SECRETARY KEMP: I've got a motion and a second to close. Any other discussion?

(NO RESPONSE)

SECRETARY KEMP: Hearing none, all in favor, signify by saying aye.

BOARD MEMBERS: Aye.

SECRETARY KEMP: All opposed, same sign.

(NO RESPONSE)

SECRETARY KEMP: Motion to close carries.

MS. BRUMBAUGH: The next one Betty Powell. Ms. Humphrey testified positively that Ms. Powell did sign her petition in front of Ms. Humphrey. There were no forgeries on any of her petitions. I would recommend to the Board that they close Ms. Powell's case.

SECRETARY KEMP: Any discussion?



(NO RESPONSE)

SECRETARY KEMP: Do we have a motion?

MR. SIMPSON: So moved.

MR. McIVER: Second.

SECRETARY KEMP: I've got a move to close and a second. Any other discussion?

(NO RESPONSE)

SECRETARY KEMP: Hearing none, all in favor of closing, signify by saying aye.

BOARD MEMBERS: Aye.

SECRETARY KEMP: All opposed, same sign.

(NO RESPONSE)

SECRETARY KEMP: The motion carries.

MS. BRUMBAUGH: The next circulator is Richard Powell. Again, he did sign his petitions in front of Ms. Humphrey. There were no forgeries on any of his petitions. There is the issue of him signing the petition that Ms. Cullum circulated.

SECRETARY KEMP: Which would be a violation, in your opinion?

MS. BRUMBAUGH: Yes.

SECRETARY KEMP: Can you refresh us, Ms. Brumbaugh, on that scenario, from the testimony?

MS. BRUMBAUGH: I'm sorry. Will you say that again.

SECRETARY KEMP: Just, I think Mr. Simpson wants you to revisit that testimony about the crossed petitions?

MS. BRUMBAUGH: Okay. This was the case where Ms. Cullum -- Ms. Cullum signed on the front page, on a petition Mr. Powell circulated. She then circulated another petition herself and she testified that because she had signed on the front page of Mr. Powell's petition, she didn't feel comfortable signing as circulator, so she had Mr. Powell sign as circulator. And Mr. Powell did not -- he admits that he signed the petition as circulator that Ms. Cullum was actually the circulator. The code section again, this is 21-2-170(d) says that the affidavit must be subscribed and sworn to by the circulator and notary public and shall set forth subsection 4, that to the best of the affiant's knowledge, it was a registered elector. And it says no notary public can sign ... so

again, I mean they expect the people who circulate the petitions to actually sign the petitions.

MR. McIVER: I move we issue a letter of instruction.

MR. SIMPSON: Second.

MS. BRUMBAUGH: To Mr. Powell.

MR. McIVER: Yes, to Mr. Powell.

SECRETARY KEMP: I've got a motion to send a letter of instruction and a second. Any other discussion?

(NO RESPONSE)

SECRETARY KEMP: Hearing none, we've got a motion. All in favor, signify by saying aye.

BOARD MEMBERS: Aye.

SECRETARY KEMP: All opposed, same sign.

(NO RESPONSE)

SECRETARY KEMP: Motions carries and there will be a letter of instruction issued to Mr. Powell.

MS. BRUMBAUGH: The next respondent is Jason Smith. Mr. Smith, no evidence of any forgeries on the petition. Ms. Humphrey testified positively that he signed the petitions as circulator in her presence. I would recommend closing this case.

MR. McIVER: Move to close.

MR. SIMPSON: Second.

SECRETARY KEMP: I've got a motion and a second to close the case against Mr. Jason Smith. Any other discussion?

(NO RESPONSE)

SECRETARY KEMP: Hearing none, all in favor, signify by saying aye.

BOARD MEMBERS: Aye.

SECRETARY KEMP: All opposed, same sign.

(NO RESPONSE)

SECRETARY KEMP: The motion carries. That case is closed.

MS. BRUMBAUGH: The next witness was Hazel Cullum. She did not sign any affidavits that she circulated. That is consistent with Mr. Powell and she probably should get a letter of instruction, as well.

MR. SIMPSON: So moved.

MR. McIVER: Second.

SECRETARY KEMP: We've got a motion and a second to issue a letter of instruction to Ms. Cullum. I think the Board feels certain that she will understand those instructions. All in favor of the motion signify by saying aye.

BOARD MEMBERS: Aye.

SECRETARY KEMP: All opposed, same sign.

(NO RESPONSE)

SECRETARY KEMP: The motion carries.

MR. McIVER: I think her son-in-law, Mr. McCorkle, should be ashamed. I can make a motion to that effect. I guess I withdraw that motion.

SECRETARY KEMP: Thank you. But it will be part of the record.

MS. BRUMBAUGH: I think we can take the next three together because they were all notaries. Steven Bell, Leonard Childs and Michael Childs. There really was never any -- even any allegations against them and I would recommend the Board close their cases.

MR. McIVER: So moved.

MR. SIMPSON: Second.

SECRETARY KEMP: I've got a motion and a second to close the cases against Mr. Steven Bell, Mr. Leonard Childs, and Mr. Michael Childs. Any other discussion?

(NO RESPONSE)

SECRETARY KEMP: Hearing none, all in favor, signify by saying aye.

BOARD MEMBERS: Aye.

SECRETARY KEMP: All opposed, same sign.

(NO RESPONSE)

SECRETARY KEMP: The motion carries and those case are dismissed.

MS. BRUMBAUGH: The next case is John McMasters. Based on his decision to not honor the subpoena, I would recommend perhaps I take a deposition and report the results of that deposition back to the Board at a later date.

MR. SIMPSON: So moved.

MR. McIVER: Do we need a motion to do that?

MS. BRUMBAUGH: If you decided to do it.

MR. McIVER: All right. Then I second it.

SECRETARY KEMP: Ms. Brumbaugh, we've got some fine elections officials from Burke County, the bird dog capital of the world, as they said yesterday and I want you to continue to bird dog Mr. McMasters so we can hear from him on this case.

MS. BRUMBAUGH: I will do my best.

SECRETARY KEMP: Thank you.

MS. BRUMBAUGH: Jeff Rahno is the next case. I would move to close Mr. Rahno's case.

MR. SIMPSON: So moved.

MR. McIVER: Second.

SECRETARY KEMP: We've got a motion and a second. to close the case against Mr. Jeff Rahno. Any other discussion?

(NO RESPONSE)

SECRETARY KEMP: Hearing none, all in favor, signify by saying aye.

BOARD MEMBERS: Aye.

SECRETARY KEMP: All opposed, same sign.

(NO RESPONSE)

SECRETARY KEMP: The motion carries.

MS. BRUMBAUGH: Jeffrey Sheinbart, I would recommend closing his case, as well.

MR. McIVER: So moved.

MR. SIMPSON: Second.

SECRETARY KEMP: I've got a motion and a second to close. All in favor, signify by saying aye.

BOARD MEMBERS: Aye.

SECRETARY KEMP: All opposed, same sign.

(NO RESPONSE)

SECRETARY KEMP: Motion carries and the case is close.

MS. BRUMBAUGH: Sandra Shirley, same recommendation. I would move that we close her case.

MR. McIVER: So moved.

MR. SIMPSON: Second.

SECRETARY KEMP: I've got a motion to close and a second. All in favor, signify by saying aye.

BOARD MEMBERS: Aye.

SECRETARY KEMP: All opposed, same sign.

(NO RESPONSE)

SECRETARY KEMP: The motion carries and the case is dismissed.

MS. BRUMBAUGH: And finally, Karen Smith, there were never really any allegations against her. I would recommend closing her case, as well.

MR. McIVER: So moved.

MR. SIMPSON: Second.

SECRETARY KEMP: We've got a motion and a second to dismiss against Ms. Smith. All in favor, signify by saying aye.

BOARD MEMBERS: Aye.

SECRETARY KEMP: All opposed, same sign.

(NO RESPONSE)

SECRETARY KEMP: Motion carries.

MR. McIVER: Have we done Leonard Childs?

MS. BRUMBAUGH: Yes. He was closed with Steven Bell and Michael Childs. Actually, he wasn't a notary, but we have his signature signed by -- notarized by his son. There was never any allegations against him.

MR. McIVER: Just we had him categorized as a petition circulator.

MS. BRUMBAUGH: Yes. I misspoke a few minutes ago when I said he was a notary. He was not. He was a circulator. But his -- as I said, he only -- his son notarized his petition, so there's no allegations against him.

SECRETARY KEMP: All right. Does that get everybody, Ms. Brumbaugh?

MS. BRUMBAUGH: Yes.

SECRETARY KEMP: All right. Since we are concluded with that, we will move on to our next agenda item. I know those of you that were here for this case, feel free to exit if you don't want to stay and enjoy the rest of our festivities this afternoon. If you would just do that orderly, we would appreciate it.

We will move to our next agenda item. Next on the list we have the Attorney General Reports. For the benefit of Mr. Simpson, what we've been doing with the Attorney General reports, is we would have them previously reported, meaning that we're okay with what Ms. Brumbaugh and the Attorney General has recommended. We have been voting on these in blocks as consent orders. If there are certain orders that you would like to pull out and us have a discussion on, we can certainly do that. Is there anything you all want to discuss?

MR. McIVER: I would like to separate out Putnam County.

MS. BRUMBAUGH: Excuse me?

SECRETARY KEMP: Putnam County.

MR. McIVER: I would like to separate out Putnam County from the others.

SECRETARY KEMP: Let's see here --

MR. McIVER: It's number 22, the second one, the City of Eatonton.

SECRETARY KEMP: Twenty-two?

MS. MONK: Tab 22.

MS. BRUMBAUGH: Tab 22.

SECRETARY KEMP: I'm sorry. Case number 68, 2005, number 68, which is tab 22. Anything else?

(NO RESPONSE)

SECRETARY KEMP: Do you want to go ahead and get the rest of these out of the way then I'll take a motion.

MR. McIVER: I move we accept the report of the AG to all the cases on the agenda with the exception of the City of Eatonton.

SECRETARY KEMP: Okay. We've got a motion. Do we have a second?

MR. SIMPSON: Second.

SECRETARY KEMP: We've got a motion and a second to accept the consent orders that Ms. Brumbaugh has reported to us, that's on our agenda, except for SEB case number 2005-68, City of Eatonton. We'll pull that off the list. We are now voting to accept all the other consent orders that are in our packet. Any other discussion?

(NO RESPONSE)

SECRETARY KEMP: Hearing none, all in favor of accepting the consent order, signify by saying aye.

BOARD MEMBERS: Aye.

SECRETARY KEMP: All opposed, same sign?

(NO RESPONSE)

SECRETARY KEMP: That motion carries and those consent orders are accepted. Ms.

Brumbaugh, would you like to -- well, let me see, Mr. McIver, did you have anything specific on the City of Eatonton or do you want Ms. Brumbaugh to go through that?

MR. McIVER: No, that's not necessary. Mine is a procedural point. I am a resident of Putnam County, not a resident of the City of Eatonton, which is our county seat. I do not know any of these individuals. I have no objection to the actions she has taken in this case, but I would offer to recuse myself if any of my colleagues think that would be appropriate.

SECRETARY KEMP: Well, I can tell you, from my perspective, I don't think you need to recuse yourself if you feel like, in good conscience, you can make a good vote on this matter.

MR. McIVER: Well, I'm prepared to vote. But if anybody, on the Board, has an objection, so be it.

SECRETARY KEMP: Let the record show there were no objections.

MR. SIMPSON: No objection.

SECRETARY KEMP: I'll make the motion that we accept the consent order for case number 2005, number 68, City of Eatonton. Do I have a second?

MR. SIMPSON: Second.

SECRETARY KEMP: We've got a motion by the Chairman and second by Mr. Simpson. All in favor of the motion, signify by saying aye.

BOARD MEMBERS: Aye.

SECRETARY KEMP: All opposed, same sign.

(NO RESPONSE)

SECRETARY KEMP: The motion carries. Okay. We need to review initial decisions now and we'll move on to case 2010, number two. Ms. Brumbaugh.

MS. BRUMBAUGH: Thank you. Yes, this is a case of Rowena Hamilton, who was a registered voter in Cobb County. She, at one time, was registered to vote in Powder Springs. She then updated her driver's license at DDS. The DDS changed her address and they automatically changed her voter registration to match her new address, which was in Smyrna.

SECRETARY KEMP: Ms. Brumbaugh, I'm sorry. The is for the record, let me just state that this is the case that we extended from our phone call meeting a while back. If you don't mind, would you just start over. I'm sorry.

MS. BRUMBAUGH: Not at all. This is the case, just procedurally, there was an earlier



hearing in the spring and an initial decision came out April 22nd. Then 32 days out from this meeting, we did vote to extend the agency review. The facts of this case are that Ms. Rowena Hamilton was, at one time, was registered to vote in Powder Springs, which is in Cobb County. She then changed her driver's license -- changed her address on her driver's license to Smyrna, Georgia and DDS automatically changed her voter registration. So during the municipal election of November 2009, there was a Powder Springs election. There was not a Smyrna election. Ms. Hamilton believed she was eligible to vote in Powder Springs. She went to the Powder Springs precinct. She attempted to vote. They looked her up. They said, "You're not registered to vote in Powder Springs." She then left the precinct. She went back to DDS. She changed her driver's license back to Powder Springs at DDS. She then goes back to the precinct that afternoon and she says, "Look, I live in Powder Springs. Now let me vote." They give a provisional ballot. She writes down the Powder Springs address on the provisional ballot. And the provisional ballot did not count. When she is informed that the provisional ballot does not count, it is she who submits the election complaint, you know, complaining she's been disenfranchised, et cetera, et cetera.

The Secretary of State's Office investigated and determined that no, she knew that she didn't live in Powder Springs when she voted that provisional ballot. She wrote the false address down. And that is a violation of the -- an unqualified voter and we now know that she knew she was unqualified.

The OSAH issued an initial decision two days after the hearing. The OSAH judge did not consider the charge of what Ms. Hamilton voted, even though she was unqualified to vote, and she knew she was unqualified to vote. That appears nowhere in the decision. Instead, the OSAH judge found that Ms. Hamilton tried to register to vote outside the time limit in which you can change your registration before an election and recommended a cease and desist order in this case.

My recommendation in this case is that we -- we reject the initial decision. We first address the code issue and putting up a direct code section it would be 21-2-571, which is voting knowingly as an unqualified voter. My second recommendation that we add a public reprimand. And my third recommendation for you to consider a civil penalty. At the hearing, I recommended a \$500 fine. Ms. Hamilton's testimony was not credible. So that was my recommendation, at the hearing and I would stick with that recommendation. So those are my recommendations.

SECRETARY KEMP: Any discussion?

MR. SIMPSON: Procedurally, could you explain to me how we would disregard the decision or OSAH recommendation.

MS. BRUMBAUGH: If you find evidence in the record to support a contrary decision, you can vote on the contrary decision that then we reduce it to writing. We put in findings of facts and conclusions of law, which Secretary Kemp would then sign on the back of the report. At that time, Ms. Hamilton will have 30 days in which to appeal the case to the Superior Court of Cobb County and then there's a public place from there.

MR. SIMPSON: We're not bound by the Administrative Law Judge's findings?

MS. BRUMBAUGH: No. It is a recommendation only. And there is evidence that she knew because she voted -- she -- she admitted that her driver's license said Smyrna. And then she went back and she brought in this DDS paperwork dated November 3, 2009, changing her address. So that's -- I feel comfortable that we have sufficient evidence regarding her knowing what she did.

SECRETARY KEMP: Is Ms. Hamilton here today?

(NO RESPONSE)

SECRETARY KEMP: I move we reject the decision, add language from 21-2-571, add the public reprimand and a \$500 fine.

MR. McIVER: Second.

SECRETARY KEMP: I have a motion and a second. Any discussion?

(NO RESPONSE)

SECRETARY KEMP: Hearing none, all in favor, signify by saying aye.

BOARD MEMBERS: Aye.

SECRETARY KEMP: All opposed, same sign?

(NO RESPONSE)

SECRETARY KEMP: How did you vote, Mr. McIver?

MR. McIVER: I voted aye.

SECRETARY KEMP: Which aye, the first one or the second one.

MR. McIVER: The first one.

SECRETARY KEMP: That motions carries unanimously.

MR. McIVER: The reason I was distracted is I think Judge Oakley has a boss, who you and I know to be Judge Woods, and when she says this matter is devoid of any evidence, that -- I'm just --

SECRETARY KEMP: It wouldn't be Judge Woods -- Max -- oh, yes.

MR. McIVER: My thing is, it should be called to Judge Woods attention, who is the head of OSAH, that Judge Oakley's decision is factually inaccurate.

SECRETARY KEMP: And we have been down this road before.

MR. McIVER: We certainly have. I know they're supposed to be independent and so on, but to say devoid of evidence, which are very strong words in the legal field, and that means Ms. Brumbaugh didn't show up for the hearing and we know that not to be the case.

SECRETARY KEMP: And we know that our local elections people in Cobb County did the right thing. Very good. You can carry on with that, Ms. Brumbaugh. What have we got next? Let's see. Update on open and completed cases, if needed. Anybody got any questions on any of the cases that are in the package? Mr. McIver?

MR. McIVER: I just wondered if Ms. Brumbaugh, if she had anything.

SECRETARY KEMP: Is there anything you need to share with us, Ms. Brumbaugh?

MS. BRUMBAUGH: Not to my knowledge. I think we're doing a very good job. I promise you we will have probably as many, if not more, consent orders for the next meeting in August.

SECRETARY KEMP: Well, I know that there's one case today that we took care of that was from 2004. Some of our old cases we're getting caught up on. And we had one, unfortunately we couldn't resolve, 2011 today, Mr. McIver, but at least we've got it on the docket. So we're doing a lot of good work. Any other questions for Ms. Brumbaugh on old or new cases?

MR. McIVER: Only a statement. At our last meeting, for those of you who had a chance to look at the minutes or were at the meeting, this Board, particularly me, expressed some frustrations about some old cases that were residing in our docket. We had a discussion, on the record, with Ms. Brumbaugh. It was suggested that perhaps this be brought to Attorney General Olens attention. I agreed to do that and I met with him personally, about two weeks later, and in response thereto he has produced a letter to you, dated March 17, and Ms. Brumbaugh indicates that she is pleased with the movement of those cases. I take it, Mr. Secretary, that you are, as well, in which case I am pleased with the momentum of those. I was troubled, but we have a number of old one that we have a number of old cases residing in our docket and they needed momentum and it appears we have it. So I went to complement not only Attorney General Olens, but you as well.

MS. BRUMBAUGH: Thank you.

SECRETARY KEMP: Very good.

MR. SIMPSON: Do we need to put a copy of that letter in the record?

SECRETARY KEMP: We certainly can.

MR. McIVER: I move we accept the letter of March 17, from Attorney General Olens to Mr. Kemp, regarding administrative cases before the SEB.

MR. SIMPSON: Second.

SECRETARY KEMP: I've got a motion and a second to accept the letter. Any discussion?

(NO RESPONSE)

SECRETARY KEMP: Hearing none, all in favor, signify by saying aye.

BOARD MEMBERS: Aye.

SECRETARY KEMP: All opposed, same sign.

(NO RESPONSE)

SECRETARY KEMP: Have you all got a copy of letter for the record? If not, I've got one right here. Very good, thank you Ms. Brumbaugh for your diligent work and continuing to lead us forward on these cases. All right. Last, but certainly not least, we have Ms. Ann Hicks, who is going to give us -- well, I guess we need to have a public hearing on the rules posted for adoption. Do we need a motion to go into public hearing or we've already got that in place?

MS. BRUMBAUGH: I think we need a motion.

SECRETARY KEMP: Mr. McIver?

MR. McIVER: I move we go into public hearing --

MR. SIMPSON: Second.

MR. McIVER: -- with respect to rules that will be adopted.

MR. SIMPSON: Second.

SECRETARY KEMP: We've got a motion and a second to go into a public hearing for rules posted. Any discussion?

(NO RESPONSE)

SECRETARY KEMP: Hearing none, all in favor of the motion, signify by saying aye.

BOARD MEMBERS: Aye.

SECRETARY KEMP: All opposed, same sign.

(NO RESPONSE)

SECRETARY KEMP: The motion carries and we're now in a public hearing for the posting of the rules. Ms. Hicks, would you like to give us an update on the rules we have?

MS. HICKS: Yes, sir. The first one that we're to discuss is an existing SEB rule 183-1-12-.06. It is to delete some repetitive language in this rule in section 4(a) of the rules. We will delete some unnecessary language that appears in section (d).

SECRETARY KEMP: Any questions about that from any members of the Board?

(NO RESPONSE)

SECRETARY KEMP: Do we have anybody in the public that would like to comment on this specific rule?

(NO RESPONSE)

MS. HICKS: If I might add, there were no public comments indicating there was.

SECRETARY KEMP: Let the record show we did not receive any public comment on the rules. What's our posture? Do we need a motion to post the rule or accept the rule?

MS. HICKS: It has already been posted.

SECRETARY KEMP: All right. So we need a motion to accept.

MR. McIVER: I move that we accept the rule.

MR. SIMPSON: Second.

SECRETARY KEMP: We've got a motion and a second to accept the rule. Any other discussion?

(NO RESPONSE)

SECRETARY KEMP: Hearing none, all in favor of adopting the rule, please signify by saying aye.

BOARD MEMBERS: Aye.

SECRETARY KEMP: All opposed, same sign.

(NO RESPONSE)

SECRETARY KEMP: The rule is adopted. Ms. Hicks?

MS. HICKS: The next rule is a proposed State Election Board rule. It's rule number 183-1-14-.11, mailing and issuance of absentee ballots. The purpose of this rule is to give direction to registrars that they must mail or issue, to all such eligible applicants, within three business days after receiving the absentee ballot applications.

SECRETARY KEMP: Are there any questions for Ms. Hicks on this proposed rule?

(NO RESPONSE)

MR. McIVER: Any public comment?

MS. HICKS: No, sir.

SECRETARY KEMP: No public comment. Is the anybody here today that would like to comment on the rule?

(NO RESPONSE)

MR. McIVER: I move to adopt.

SECRETARY KEMP: Hearing none, I have a motion to adopt.

MR. SIMPSON: Second.

SECRETARY KEMP: And a second. All in favor, signify by saying aye.

BOARD MEMBERS: Aye.

SECRETARY KEMP: All opposed, same sign.

(NO RESPONSE)

SECRETARY KEMP: The motion carries. I do believe we have tackled what was before us today. I will ask the Board members if there is anything they would like to add in old business or new business.

MR. McIVER: I would like to welcome Judge Simpson. I look forward to working with you.

MR. SIMPSON: Thank you. I hope I didn't slow you down too much.

SECRETARY KEMP: Well, we certainly are glad to have you serving with us, Mr. Simpson. Don't get used to these getting off so early. Usually there's some after hours going on. I did

want to thank everybody for coming. It's been a pleasure to have this meeting in the great city of Savannah. I hope that if there was press here or if there is press here, that they let the public know how seriously this Board takes the state elections law and how diligent we are in our work. We will continue to do so, wherever we meet around the state. And we encourage our local elections friends who are here this week for training, back to our meetings at any time. We hope that you will be just enjoying the scenery and not testifying before us. Hopefully you have learned as much as we have today. And with that, I will accept a motion to adjourn.

MR. McIVER: I so move.

MR. SIMPSON: Second.

SECRETARY KEMP: I've got a motion and a second. All in favor signify by saying aye.

BOARD MEMBERS: Aye.

SECRETARY KEMP: All opposed, same sign.

(NO RESPONSE)

SECRETARY KEMP: Motion carries and we are now adjourned. Have a great evening everybody.

**WHEREUPON, THE MEETING ADJOURNED AT 5:20 P.M.**

### C E R T I F I C A T E

I hereby certify that the foregoing transcript is a true and complete record of the testimony, taken and transcribed by me and/or under my supervision, as given by the witness who was first duly sworn;

That I am neither a relative nor employee of any of the parties or attorneys nor financially interested in the outcome of the action;

That the original transcript of said deposition or testimony, under seal, shall be furnished to the attorney by whom the deposition or testimony was taken or filed as is appropriate with the court in which the action is pending.

THIS CERTIFICATION is expressly withdrawn and denied upon the disassembly of the foregoing transcript of proceedings or any part thereof, including exhibits, for any purpose, unless said disassembly is done by the undersigned certified court reporter and/or under the auspices of Drake Reporting, P.C., and the signature and original seal is attached thereto.

SO WITNESS MY HAND AND OFFICIAL SEAL at Savannah, Chatham County, Georgia, this 11th day of June, 2011.

Laurie Parker Axtell, C.V.R., C.C.R, B-1252